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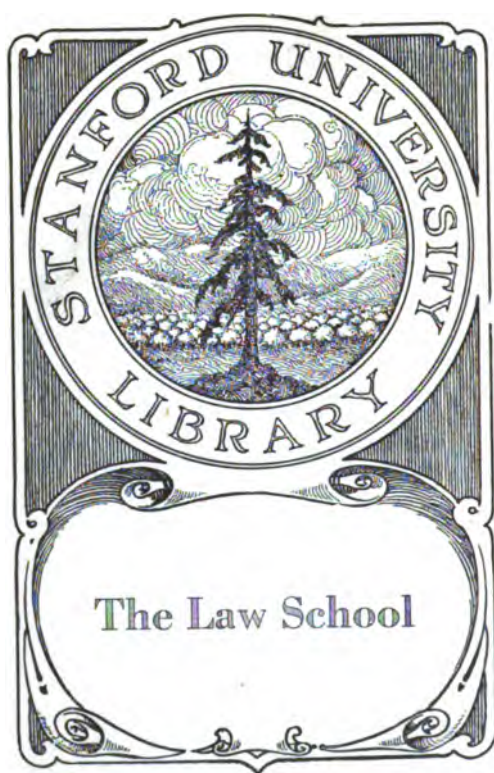
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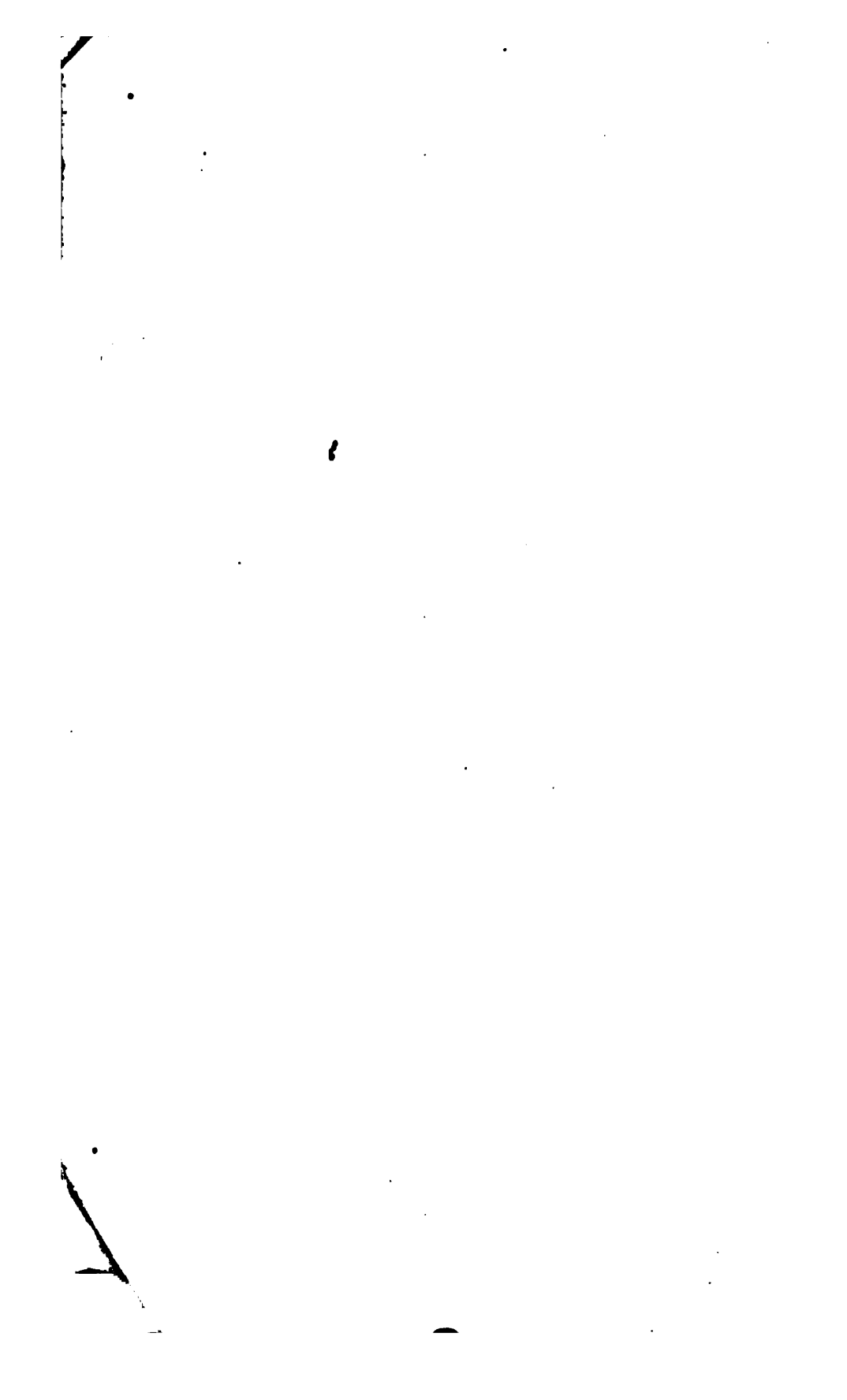
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Kenilworth Station



ACTS

OF

THE GENERAL ASSEMBLY

OF THE

COMMONWEALTH OF KENTUCKY:

PASSED AT

DECEMBER SESSION, 1847.

PUBLISHED BY AUTHORITY.

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LAWS OF KENTUCKY.

PASSED AT DECEMBER SESSION, 1847.

WM. OWSLEY, GOVERNOR; ARCHIBALD DIXON, LIEUT. GOVERNOR AND
SPEAKER OF THE SENATE; J. F. BUCKNER, SPEAKER OF THE HOUSE
OF REPRESENTATIVES; WM. D. REED, SECRETARY OF STATE.

GENERAL LAWS.

CHAPTER 1.

AN ACT for the Relief of Emigrants.

1848.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That if any emigrant to this State, since the passage of an act, entitled, an act to amend the law prohibiting the importation of slaves into this State, approved February 2, 1833, who may have failed to comply with the requisitions of said act, shall, within six months from the passage of this act, go before some Justice of the Peace, in the county where such emigrant may reside, and take the oath required by the first section of said act; and in addition thereto, shall take the following oath or affirmation, to-wit: "I do solemnly swear (or affirm) that I emigrated to Kentucky with the view of becoming a citizen thereof, in good faith, and that I was wholly ignorant of any law of the State of Kentucky requiring emigrants to take an oath respecting the slaves brought with them into this State, and the omission on my part to take the oath required by that act, and within the time prescribed, was wholly the result of being ignorant of its existence: so help me God." And shall, moreover, within thirty days thereafter cause said oaths or affirmations to be recorded in the County Court Clerk's office, then, and in that case, the said emigrant shall not be deemed to have incurred the penalties of the said act of 1833.

J. F. BUCKNER,

Speaker of the House of Representatives.

ARCH'D DIXON,

Lt. Governor and Speaker of the Senate.

Approved January 1, 1848.

WM. OWSLEY,

By the Governor,

WM. D. REED, *Secretary of State.*

LAWS OF KENTUCKY.

1848.

CHAPTER 7.

AN ACT to legalize the proceedings of the Ohio County Court.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the proceedings of the County Court of Ohio county, had at their October and November terms, 1847, be and the same are hereby declared legal and valid to every intent and purpose.

SEC. 2. That, hereafter, the Ohio County Court shall be held on the first Monday in each month in which no term of the Circuit Court is held, instead of the time now fixed by law.

Approved January 12, 1848.

CHAPTER 9.

AN ACT to change the time of holding the April Term of the Union County Court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That, hereafter, the April term of the Union County Court shall be held on the second Monday in April.

Approved January 12, 1848.

CHAPTER 13.

AN ACT for the benefit of the Officers and Soldiers in the war with Mexico.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That, hereafter, the several Clerks in this Commonwealth shall not be permitted to charge or receive any fee or tax for affixing the seal of office to any instrument of writing whatever, which may be necessary to perfect the testimonials of any officer or soldier in the war with Mexico, for services performed by him, for debts due him in land or money, or for property lost, captured or destroyed, during the continuance of the war; nor shall said clerks be entitled to any fee for their services in such cases, but all such services shall be deemed *ex officio*, and said clerks shall perform them as heretofore required by law in reference to Revolutionary soldiers.

Approved January 12, 1848.

CHAPTER 19.

AN ACT to legalize the proceedings of the November Term of the Pulaski County Court, and for other purposes.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the acts, proceedings, entries

and orders done and made by the County Court of Pulaski county, at the November term of said court, in the year eighteen hundred and forty seven, be and the same are hereby made legal.

1848.

Sec. 2. That the Pulaski County Court shall have power to hold a term of said court on the third Monday of each and every month in the year, and sit six juridical days if the business of said court shall require it.

Approved January 12, 1848.

CHAPTER 24.

AN ACT directing proclamation to be made of the readiness of the State of Kentucky to redeem her unpaid six year bonds.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be the duty of the Governor of the Commonwealth of Kentucky to make proclamation that the State of Kentucky is prepared with the funds, and now ready, at the town of Frankfort, to redeem all the unpaid bonds of the State, payable in six years after their date, and issued pursuant to an act of the General Assembly, approved 21st February, 1840; said proclamation shall fix on a day or days for said payment, and from and after the day fixed for payment, all such bonds, not presented for payment, shall cease to bear interest.

Approved January 12, 1848.

CHAPTER 26.

AN ACT establishing the county of Taylor.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That, from and after the first day of March next, so much of the county of Green as is included and embraced within the following boundary, viz: Beginning on the Adair county line, near Dr. R. A. Taylor's brick house, including the same in the new county, running thence a line to Tate's water mill, on Green River, including all of Lemmon's bend of said river, in the new county; thence a line to Col. William N. Marshall's house, including the same and William Marshall, Jr.'s. house in the new county; thence a line to Lloyd Thurman's house, leaving the same in the old county; thence a line to Big Brush creek, so as to leave Young's mill, (now Bloyd's,) one mile in the old county; thence up said creek, by Stephen Skagg's house, to the Larue county line; thence with the Larue county line to the Marion county line; thence with the Marion county line to the Casey county line; thence with the Casey county line to the Adair county line; thence with the Adair county line to the beginning, shall be, and the same is hereby erected

Boundary.

1848.

No. of Justices.

Qualify Sheriff, and appoint a Clerk.

Sheriff and Constables of Green to collect taxes, &c.

No. of Constables.

Commissioners of Tax to be appointed for 1849.

Sheriff Green to collect taxes 1848.

Com'rs to run and mark county line.

County seat located.

Trustees to convey lot.

and established into a separate and distinct county, to be called Taylor, in honor of Major General Zachary Taylor.

SEC. 2. That the county of Taylor shall be entitled to nine Justices of the Peace, who, after having been commissioned and sworn as the law directs, shall, on the first day of March next, at the Court House in the town of Campbellsville, and having qualified their Sheriff, they shall proceed to elect and appoint a Clerk of the County Court of Taylor, in whose permanent appointment a majority of all the Justices of the Peace in commission shall concur; and if such majority cannot be had in favor of any one, then the County Court of Taylor shall proceed to elect one *pro tempore*, until a majority of said court shall concur in the permanent appointment of a Clerk.

SEC. 3. That the County and Circuit Courts of Green, and the Justices of the Peace thereof, shall have jurisdiction, in law and equity, in all cases arising in said county of Taylor before this act takes effect; and it shall be lawful for the Sheriff, Constables and Collectors of Green county, to collect all moneys, and execute all process, as the law requires, which may be in their hands at the time this act takes effect, and account for the same according to law.

SEC. 4. The county of Taylor shall be entitled to five Constables, and no more; and the County Court of said county, so soon as this act takes effect, shall lay off the same into five Constable's districts; and in the appointment of Constables, and other officers of said county, shall be governed by the law now in force on that subject.

SEC. 5. That for the year 1849, the County Court of Taylor shall appoint Commissioners of Tax, who shall be governed by the laws now in force on that subject, or that may be enacted.

SEC. 6. That for the year 1848, the Sheriff of Green county shall collect the revenue and county levy in said county of Taylor, as though this act had never passed.

SEC. 7. The County Courts of Green and Taylor counties shall appoint two Commissioners each, who shall, in conjunction with the Surveyors of each county, run and mark the line between said counties, according to law; and the counties aforesaid shall levy the amount of expenses at their next Court of Claims, and pay the expenses thereof equally.

SEC. 8. The county seat of Taylor county shall be, and is hereby, permanently located in the town of Campbellsville.

SEC. 9. This act shall not go into effect, but shall be declared null and void unless the Trustees of the town of Campbellsville shall, by deed of conveyance, convey unto the Justices of the Taylor County Court, and their successors, a lot of ground of one acre, in the town of Campbellsville, (known in the plan of said town as the public

square,) and the new buildings thereon for a Court House and Clerk's offices, free of charge or remuneration.

1848.

Approved January 13, 1848.

CHAPTER 27.

AN ACT continuing in force the law providing for the appointment of Commonwealth's Attorneys.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the provisions now in force, of an act, entitled, an act to provide for the appointment of Commonwealth's Attorneys, approved January 21, 1842, and the act amendatory thereto, approved January 17th, 1844, shall continue and remain in force for two years from and after the end of the present session of the General Assembly.

Approved January 15, 1848.

CHAPTER 41.

AN ACT to amend an act, entitled, "an act authorizing the Auditor to correct certain mistakes, and to issue warrants on the Treasury in certain cases," approved January 23, 1813.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the act, entitled, "an act authorizing the Auditor to correct certain mistakes, and to issue warrants on the Treasury in certain cases," approved January 23d, 1813, shall be so amended as to authorize the Second Auditor to issue his warrant on the Treasury for the purpose of refunding all moneys which have been, or may hereafter be, paid into the Treasury by the agents of the Commonwealth, for the sale of any lands improperly sold in satisfaction of taxes due or supposed to be due on any real estate.

Auditor—how
to issue war-
rants.

Approved January 15, 1848.

CHAPTER 56.

AN ACT to re-take the sense of the people of this State as to the propriety of calling a Convention.

WHEREAS, it appears to the General Assembly that a large majority of all the citizens of this State, entitled to vote for Representatives, have, under the provisions of an act, entitled, "an act to take the sense of the people of this State as to the propriety of calling a Convention," approved January 12, 1847, voted for a Convention to amend the Constitution of this State. Therefore,

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That it shall be the duty of the Sheriffs, and other returning officers, at the next general elec-

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tion to be held for Representatives, after the passage of this act, again to open a poll for, and make return to the Secretary, for the time being, the names of all those entitled to vote for Representatives, who have voted for calling a Convention, within twenty days after the election.

SEC. 2. *Be it further enacted*, That any Sheriff, or other returning officer, failing to perform his duty, according to the provisions of the first section of this act, shall be subject to a fine of six hundred dollars, to be recovered by action of debt by any person suing for the same, in any court having jurisdiction thereof, and also be subject, upon conviction of such failure, to removal from office.

SEC. 3. *Be it further enacted*, That it shall be the duty of the several Sheriffs of this Commonwealth to read, or cause to be read, publicly, this act, at their several places of voting in their respective counties, at the opening of the polls on each day of the election, in August next; and in case of a failure so to do, they shall be subject to a penalty of six hundred dollars, to be recovered in the same manner as is the penalty prescribed in the second section of this act.

SEC. 4. *Be it further enacted*, That the Public Printer shall, upon a separate leaf or sheet, print fifteen hundred copies of this act, and deliver them to the Secretary of State, who shall forward fifteen copies of the same to the Clerk of the County Court of each county in the State, except the county of Jefferson, to whom twenty five copies shall be sent, at the time of forwarding the acts of the General Assembly; and said Clerks shall deliver fourteen of said copies to the Sheriffs of their several counties. The Secretary shall take the receipt of the carriers of the acts for said copies, who shall, on delivery to the Clerks, as aforesaid, take a receipt for the same.

SEC. 5. *Be it further enacted*, That it shall be the duty of the Sheriffs conducting the next general election, to propound distinctly to each voter the following interrogatory: "Do you vote for calling a Convention, or not?" and if he answer in the affirmative, his name shall be recorded as having voted for calling a Convention.

SEC. 6. *Be it further enacted*, That in case of the failure, by sickness, death, absence, or resignation, of the Sheriff of any county to attend to compare the list of votes in his county, at the county seat, it shall be the duty of the County Court Clerk of such county to attend with the list of votes of said county, and make the comparison, and in every respect perform the same duties which the Sheriff would have to perform, were he acting; the Clerk, thus acting, to receive the same compensation allowed the Sheriff for the same services, and shall be liable to the same penalties for a failure to discharge the duties hereby imposed.

SEC. 7. *Be it further enacted*, That it shall be the duty of the Commissioners of Tax to open a column in their Com-

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missioners' books, and enroll therein the name of each citizen entitled to vote for Representatives for the year 1848; and they shall be governed, in all cases in ascertaining who is entitled to vote, by the laws now in force to prevent illegal voting; and this column, written in a fair and legible hand, shall be transmitted, with the Commissioners' books, to the Second Auditor, who shall report to the next General Assembly an aggregate statement of the whole number of citizens in this State entitled to vote for Representatives; and the Secretary of State shall report to the General Assembly an aggregate statement of all the citizens of this State who have voted for the calling of a Convention.

Sec. 8. *Be it further enacted*, That it shall be the duty of each Commissioner of Tax, as soon as he shall be advised of the passage of this act, to go before a Justice of the Peace and take the following oath: "I do solemnly swear that I will, to the best of my skill and judgment, fairly ascertain the number of qualified voters in the district in which I was appointed, for the year 1848, and report the same, with my book, as Commissioner of Tax;" a certificate of which oath shall be returned to, and recorded upon, the minutes of the next County Court held for said county.

Sec. 9. *Be it further enacted*, That the Commissioners of Tax may, and they are hereby required to examine, on oath, any person in relation to his right to vote for Representatives, when he has doubts as to his right to vote; and any person who shall knowingly swear falsely before the Commissioner, and shall thereof be convicted, shall be subject to all the pains and penalties of the crime of perjury.

Sec. 10. *Be it further enacted*, That the Commissioner shall write "sworn" opposite the name of each person who may be sworn by him.

Sec. 11. *Be it further enacted*, That it shall be the duty of the Public Printer to print one thousand copies of the seventh, eighth, ninth, tenth and twelfth sections of this act, immediately after its passage, and deliver the same to the Secretary, who shall transmit them forthwith to the County Court Clerks, to be delivered by them without delay to the Commissioners of Tax for the year 1848.

Sec. 12. That it shall be the duty of the officers conducting the election at the several places of voting, on information given, that any person or persons who have been returned as a voter or voters, shall have died or removed from the Commonwealth, after having been listed by the Commissioner of Tax, to take proof, on oath, of the facts, and report a list, at the end of their poll book, of all those who have so died or removed, which shall be copied, with the names of those who have voted for a Convention, and reported to the Secretary of State; and the number thereof shall be reported by said Secretary to the next General Assembly, and shall be deducted from the whole number of the

1848.

legal voters of the State, as shown by the Commissioners' books: any of said officers failing to comply with the provisions of this section, shall be subject to a fine of five hundred dollars, recoverable as in the second section.

Approved January 18, 1848.

CHAPTER 59.

AN ACT for the benefit of certain Common School Districts.

WHEREAS, there are several School Districts in this State that have not received the amount due said districts for the years 1845, 1846 and 1847, from the School Fund, on account of the districts not being reported to the Superintendent as directed by law. Therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Second Auditor be, and he is hereby authorized to issue his warrant upon the Treasurer for the sums due said districts, when reported by the County Commissioners of said counties to the Superintendent of Public Instruction for the State, and by him to the Second Auditor.

Approved January 19, 1848.

CHAPTER 105.

AN ACT to change the time of holding the Hancock Circuit Court, and to limit the terms of the Breckinridge Circuit Court.

Hancock.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That from and after the present time, the Hancock Circuit Court, instead of commencing and being held in the months of June and December, in each year, shall commence and be held as follows: The Spring term of said court shall commence on the 3d Monday in April in each and every year, and continue six days if the business requires it; and the Fall term of said court shall commence on the 3d Monday in the month of October in each and every year, and continue in session a like period, if the business requires it; and all process, precepts, and recognizances, taken returnable to the June term of said court, as heretofore required by law, shall be held returnable to the April term, and complied with accordingly.

Breckinridge.

SEC. 2. That from and after the passage of this act, the terms of the Circuit Court for the county of Breckinridge, shall be limited to six juridical days.

Approved January 25, 1848.

CHAPTER 107.

AN ACT to equalize the compensation for the collection of the Revenue Tax.

1848.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That, hereafter, the revenue tax for the preceding year shall be due and payable into the Treasury of this Commonwealth, on the 15th day of January, in each and every year; and any Sheriff failing or refusing to pay the same into the Treasury, on or before that day, shall be chargeable with, and required to pay, the legal interest on the same, from the time it is due until paid; and it shall be the duty of the Second Auditor, when settling with any Sheriff who has failed to pay his revenue when due, to charge and collect, from such Sheriff, the legal interest on the same, from the time it was due until paid: *Provided*, any Sheriff shall be authorized to deposit his revenue in any Bank or Branch Bank now established in this Commonwealth; said deposit to be made to the credit of the Branch Bank in Frankfort, for the benefit of the Treasury of this Commonwealth, on account of revenue collected by ———, Sheriff for the county of ———, for the year —; and any sum, so deposited, shall be held and regarded as a payment into the Treasury, unless the Governor, for the time being should, by his proclamation, order and direct otherwise.

Revenue when due and payable

Sheriff chargeable with interest on failure to pay.

Proviso.

SEC. 2. That it shall be the duty of the Second Auditor, hereafter, to allow each of the collectors of the revenue tax the following commissions, viz: for the first three thousand dollars collected and paid into the Treasury, a commission of seven and one half per cent., and all sums over three thousand dollars, a commission of five per cent.

Duty of 2d Auditor.

Approved January 25, 1848.

CHAPTER 111.

AN ACT authorizing the Secretary of State to furnish the State of Florida with certain Reports of the Appellate Court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Secretary of State of Kentucky be and he is hereby authorized and required to furnish to the Secretary of the State of Florida, on his demand at Frankfort, for the use of the State of Florida, the following reports of the decisions of the Appellate Court of Kentucky, or such of them as can be procured, viz: Hardin's Reports, Bibb's Reports, Littell's Reports, T. B. Monroe's Reports, J. J. Marshall's Reports, Dana's Reports, and A. K. Marshall's Reports, and such as may be published from time to time; and in exchange therefor, receive, for the use of Kentucky, from the Secretary of the State of Florida, such of the archives and decisions of the Appellate Court of Florida, as they now or may have.

Approved January 25, 1848.

CHAPTER 120.

1848.

AN ACT regulating the taxation of costs in suits brought by Administrators and Executors.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That, hereafter, in suits brought at law or in chancery in the name of any administrator or administrators, executor or executors, of any estate, if the plaintiff shall not succeed on trial, or be non-suited, the costs of the opposite party shall be taxed as in other cases, and judgment rendered therefor against the plaintiff in his or her fiduciary capacity, and execution may issue, to be levied of the estate in the hands of the plaintiff to be administered; and in every other respect shall said judgment be enforced as other demands against said estate.

Approved January 29, 1848.

CHAPTER 148.

AN ACT more effectually to Suppress Gambling.

Penalty for
keeping room,
booth, boat or
arbor for gamb-
ling.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That if any person shall keep a room, building, arbor, booth, shed, tenement, boat, or float, to be used or occupied for gambling, or shall knowingly permit the same to be used or occupied for gambling; or if any person, being the owner, superintendent, or agent, of any room, building, arbor, booth, shed, tenement, boat, or float, shall rent the same to be used or occupied for gambling, the person or persons, so offending, shall, on conviction thereof, be fined in any sum not less than fifty nor more than five hundred dollars; and if the owner, his or her superintendent, or agent, of any room, building, arbor, booth, shed, tenement, boat, or float, shall know that any gaming tables, apparatus, or establishment, is kept or used in such room, building, arbor, booth, shed, tenement, boat, or float, for gambling, and winning, betting or gaining money, or other property, and shall not forthwith cause complaint to be made against the person so keeping or using such room, building, arbor, booth, shed, tenement, boat, or float, he or she shall be taken, held, and considered to have knowingly permitted the same to be used and occupied for gambling.

Who deemed
common gam-
blers, and pen-
alty.

SEC. 2. If any person shall keep or exhibit any gaming table, establishment, device, or apparatus, to win or gain money, or other property of value, or to aid, assist, or permit others to do the same; or if any person shall engage in gambling for a livelihood, he shall be deemed and taken to be a common gambler, and upon conviction thereof, shall be imprisoned and kept at hard labor in the Penitentiary not less than six months nor more than three years, and be fined, at the discretion of a jury, not less than fifty nor more

than five hundred dollars, to be paid into the treasury of the county where such conviction shall take place, for the use of common schools therein, to be divided among the accepting school districts in such county, in proportion to the number of taxable inhabitants in each district.

1848.

SEC. 3. If an affidavit shall be filed with the magistrate, or Police Judge of any town or city, before whom complaint shall be made of an offence against any provision of this act, stating that the affiant has reason to believe, and does believe, that the person charged in such complaint has upon his person, or at any other place named in such affidavit, any specified articles of personal property, or any gaming table, device, or apparatus, the discovery of which might lead to establish the truth of such charge, the said magistrate or judge shall, by his warrant, command the officer, who is authorized to arrest the person so charged, to make diligent search for such property, and table, device, or apparatus, and if found, to bring the same before such magistrate or judge; and the officer so seizing shall deliver the same to the magistrate or judge before whom he takes the same, who shall retain possession, and be responsible therefor, until the discharge, or commitment, or letting to bail of the person charged; and in case of such commitment or letting to bail of the person so charged, such officer shall retain such property, subject to the order of the Court before which such offender may be required to appear, until his discharge or conviction. And in case of the conviction of such person, the gaming table, device, or apparatus, shall be destroyed, and the property shall be liable to pay any judgment which may be rendered against such person; and after the payment of such judgment and costs, the surplus, if any, shall be paid to the use of the common schools aforesaid; and in case of the discharge of such person by the magistrate or Court, the officer having such property in his custody, shall, on demand, deliver it to such person.

Warrant may issue to search for property, gambling apparatus.

Gaming device, &c., to be destroyed.

SEC. 4. If any person, called to testify on behalf of the State, before any Justice of the Peace, Grand Jury, or Court, upon any complaint, information, or indictment, for any offence made punishable by this act, shall disclose any fact tending to criminate himself in any manner made punishable by this act, he shall thereafter be discharged of and from all liability to prosecution or punishment for such matter of offence.

Witnesses disclosing any fact tending to criminate to be discharged therefrom.

SEC. 5. It shall be lawful for any Justice of the Peace, chief magistrate of any municipal incorporation, or judge of any court of record, upon complaint, upon an oath, that any gaming table, establishment, apparatus, or device, is kept by any person for the purpose of being used to win or gain money, or other property, by the owner thereof, or any other person, to issue his warrant, commanding any Sheriff or Constable, to whom the same shall be directed, within the proper juris-

Officer may break open doors, &c., and take property.

1848.

diction, after demanding entrance, to break open and enter any house or place wherein such gaming establishment, apparatus, or device, shall be kept, and to seize and deliver the same to the Clerk of the Circuit Court, who shall keep the same till the next term of the Court, and the Judge of the Court shall then, if there be no necessity for keeping the property to be produced on the trial of an offender against this act, have a jury summoned to try the fact, whether the property taken be used or was made for gaming; and if the finding shall be, that the property was made or used for gaming, the Court shall order the property to be broken up and sold, and the proceeds shall, after the payment of costs, go into the treasury of the county, for the use of the common schools.

Penalty for
persuading per-
sons to visit
gaming houses.

SEC. 6. If any person or persons shall, through invitation or device, persuade or prevail on any person or persons, to visit any room, building, arbor, booth, shed, tenement, boat, or float, kept for the use of gambling, he or they shall, upon conviction thereof, be held responsible for the money or property lost by such invitation or device, and fined in a sum not less than fifty and not more than five hundred dollars.

Duty of Sher-
iffs, &c.

SEC. 7. It shall be the duty of all Sheriffs, Constables, and County and Commonwealth Attorneys, to inform and prosecute all offenders against this act; and upon refusal thereof, they shall pay a fine of not less than fifty nor more than five hundred dollars.

Penalty on
commander, &c
of boats for per-
mitting gaming.

SEC. 8. If any commander, owner, or lessee of any boat or float, shall knowingly permit any gambling for money or property on such boat or float, and does not immediately prevent the same, he or they shall be taken, held, and considered to have knowingly permitted the same to be used and occupied for gambling, and upon conviction thereof, shall be held responsible for the money or property so lost, and fined in any sum not less than one nor more than five hundred dollars.

Fines to go to
use of free
schools.

SEC. 9. The fines and forfeitures incurred under this act, in any of the cities or towns of this State, for offences committed in the said cities and towns, shall go into the treasury of the town or city, for the use of the free schools thereof.

To be given in
charge to grand
jury.

SEC. 10. This act shall be given in charge to the Grand Jury by the Circuit Judges of the several Judicial Districts, in their respective counties.

SEC. 11. This act shall take effect the first day of June, 1848.

Persons deal-
ing faro to be
deemed com-
mon gamblers.

SEC. 12. That any person or persons who shall be guilty of dealing "faro," shall be held and deemed a common gambler, according to the provisions of the second section of this act, and in addition thereto.

Approved January 29, 1848.

CHAPTER 151.

1848.

AN ACT relinquishing the title of the Commonwealth to certain real estate to Trustees for School purposes.

WHEREAS, it is represented to the General Assembly, that John Beddow has departed this life, possessed of a small lot of land, containing about one acre, adjoining the west end of the town of Shelbyville; and for want of heirs, lineal or collateral, the title to the said lot of land vests in the Commonwealth; and whereas, it is further represented, that it will be advantageous to the citizens living convenient to said lot of land, to have a school house or seminary of learning erected thereon. Therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the title of the Commonwealth in and to said lot of land, shall be and the same is hereby vested in Achilles Chinn, John Robinson, George W. Johnston, Ambrose D. Stone, James S. Sharrard, and John D. Robinson, as trustees, and their successors in office forever; and the said Board of Trustees, shall have power to fill any vacancy which may occur from any cause, a majority of those remaining concurring in the appointment, under whose superintendence and direction a school house or seminary of learning may be erected on said lot, for the convenience of the citizens who may send to school at said place: *Provided,* that a majority of those who may patronize said school, may determine what shall be taught in said school house; the patrons voting according to the number of scholars he or she may send.

Lands owned by Jno. Beddow vested in Trustees for school purpose.

Vacancies how filled.

School house or seminary may be erected.

Approved January 29, 1848.

CHAPTER 152.

AN ACT declaring Middle Creek, in Floyd county, navigable from its mouth to its first forks at Spradling's Store.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Middle Creek, in the county of Floyd, be and the same is hereby declared navigable, from its mouth up to its first forks, at Spradling's Store.

Approved January 29, 1848.

CHAPTER 153.

AN ACT to change the time of holding the Clay Circuit Court, and for other purposes.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the fall term of the Clay Circuit Court, shall hereafter commence on the fourth Monday in October, in each year, and sit six juridical days, if the business of the Court shall require it.

Terms Circuit Court changed.

1848.

SEC. 2. That the county of Clay, be and the same is hereby added to the Nineteenth Judicial District.

Approved February 2, 1848.

CHAPTER 169.

AN ACT to run and establish the line between the counties of Livingston and Crittenden, and for other purposes.

WHEREAS, it is represented to the present General Assembly, that the line dividing the counties of Livingston and Crittenden, has never been run, and in some places it is uncertain whether certain individuals live in the county of Livingston or Crittenden. Therefore,

Surveyors of
Crittenden and
Livingston run
line.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall be the duty of the Surveyors of the counties of Crittenden and Livingston, to meet at Mrs. Puckett's Spring, a point designated in the line between said counties, on the third Monday in April next, and proceed to run said line from Puckett's to Gray's Spring, and from thence to the mouth of Deer Creek, on the Ohio river.

Chain carriers
and Markers to
be employed.

Surveyors, &c.
to take oath.

SEC. 2. That it shall be lawful for said Surveyors to employ two chain carriers and marker, to mark said county line as run by them, and that said Surveyors, chain carriers and marker, before they enter on the duties prescribed in this act, shall take an oath to run and mark said line fairly and impartially, fully and distinctly, between said counties, according to the provisions of this act; which oath shall be administered by any Justice of the Peace living in either of said counties.

To make re-
ports, &c.

Reports to be
recorded.

SEC. 3. That it shall be the duty of said Surveyors to make out two fair plats, with references, and a report accompanying the same; one of which shall be recorded in the office of the Livingston, and the other in the Crittenden County Court, when presented by the Surveyors of the respective counties.

Pay to Sur-
veyors, &c.

When to meet.

SEC. 4. That said Surveyors shall receive two dollars each, per day, and the chain carriers and marker one dollar per day, for their services, while engaged in service under this act; one-half to be levied by the Livingston County Court, and the other half by the Crittenden County Court; and should it so happen that said Surveyors cannot meet on the day named in this act, they may, and it shall be their duty to meet at some other time, to be fixed on by themselves, for the purpose of carrying out the provisions of this act; and when said line is run and marked, according to the provisions of this act, it shall be the dividing line between the counties of Livingston and Crittenden.

Deer creek es-
tablished as a
line.

SEC. 5. That Deer Creek, be and the same is hereby declared to be the line between the counties of Livingston

and Crittenden, from where the line in coming from Gray's Spring, would cross said creek, unto its mouth.

1848.

Approved February 2, 1848.

CHAPTER 172.

AN ACT to amend the several acts to Suppress Duelling.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That, hereafter, in administering the oath directed by the several acts, more effectually to suppress the practice of duelling, the oath shall be from the twentieth day of January, eighteen hundred and forty-eight.

Approved February 2, 1848.

CHAPTER 209.

AN ACT to legalize the proceedings of the Whitley County Court in relation to the appointment of a Jailer.

WHEREAS, the County Court of Whitley, at their — term, 1843, appointed Robert Finley, Jailer of said county, who did not at the time of his appointment, nor since, live within the distance of said jail required by law. Therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That said Finley, Jailer as aforesaid, be permitted to live any where within the limits of the town of Williamsburg, in said county; and that his acts as Jailer be and the same are hereby legalized: *Provided, however*, that the appointment of said Finley as Jailer, shall expire on the day of the Autumn Court of Claims, of said county of Whitley, in the year 1848.

Approved February 5, 1848.

CHAPTER 212.

AN ACT for the benefit of Ministers of the Gospel.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the President, Directors and Company of the several turnpike roads within this Commonwealth, in which the State holds an interest, are hereby empowered to permit regular Ministers of the Gospel to pass said roads without paying toll, when on ministerial duties.

Approved February 5, 1848.

1848.

CHAPTER 223.

AN ACT to legalize an order of the Fayette County Court at their July Term, 1847.

WHEREAS, at the July term, 1847, a resolution was adopted by the Fayette County Court, appropriating two hundred and fifty dollars for a portion of the expenses incurred in bringing back the dead bodies of citizens of Fayette county, who were killed at the battle of Buena Vista. Therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That said resolution be and the same is hereby declared valid, and said County Court is hereby authorized and empowered to complete said appropriation and provide for its payment, as for other allowances made by said court in pursuance of law.

Approved February 9, 1848.

CHAPTER 230.

AN ACT to amend the law concerning processioning lands, and to perpetuate the evidence of land boundaries.

Written notice may be given to proprietors of adjoining lands instead of publication in newspaper.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That, hereafter, the seventh section of an act, entitled, an act to amend the act to ascertain the boundaries of, and for processioning lands, approved January 7, 1815, which requires that the proprietor of land, wishing to take the benefit of that act, shall give notice, by a publication of three weeks in some authorized newspaper of this State, shall not apply to any person or persons, about to procession his, her, or their lands, who shall cause to be delivered to the owners of the land adjoining the lands to be processioned, a notice in writing, of the time and place at which the processioning will be commenced, and the depositions, provided for in said act, will be taken. Said notice to be delivered at least ten days before the depositions are to be taken and the processioning begun; but in all other respects, the person or persons, desiring to take the benefit of said act, and the Surveyors and Commissioners, shall be governed by the laws now in force concerning the processioning of lands and taking the evidence of the boundaries thereof.

Persons may by consent have lines run and re-marked.

Plats to be recorded & made evidence.

SEC. 2. That it shall be lawful for any two or more persons, owning lands which adjoin, to have the same re-surveyed and re-marked by some person, who may, by consent of the parties interested, re-mark the lines and corners; and when corners may be destroyed, set up stones or posts; and make out a plat or plats, of such surveys, with notes of the lines and corners, so made by the consent of the parties owning the land, and return the same to the office of the

Clerk of the County Court of the county in which the land may lie; and if the lands lie in more counties than one, the plat or plats above mentioned, shall be returned to the County Court Clerk's office of each county in which it may lie; which plat or plats, and field notes, when signed by the parties owning the lands, and acknowledged by them before the Clerk of some County Court, or their acknowledgment being proven by the oaths of two or more subscribing witnesses, the Clerk or Clerks, to whom they are returned, shall record in a book to be kept by him in his office for that purpose; and said plats and field notes, so acknowledged, or proved and recorded, shall be evidence as to the boundaries of such lands between the parties thereto, and all persons claiming under them.

1848.

Sec. 3. That the Clerks of the County Courts shall be entitled to a fee of twenty-five cents for recording any such survey, to be paid by the party at whose instance he may record the same.

Fees for recording plats.

Approved February 9, 1848.

CHAPTER 231.

AN ACT for the benefit of the Judge of the 2d Judicial District.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Henry O. Brown, Esq., the Judge of the 2d Judicial District of this Commonwealth, be allowed the further time of two years to remove into his district, in addition to the time now allowed him by law.

Approved February 9, 1848.

CHAPTER 235.

AN ACT to change the time of holding the Hopkins County Court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That from and after the February term of the Hopkins County Court, 1848, the said Court shall be held on the first Monday in each and every month.

Approved February 10, 1848.

CHAPTER 240.

AN ACT repealing all laws declaring Bull Skin, in Clay county, a navigable stream.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That all laws by which Bull Skin, in Clay county, is declared a navigable stream, be and they are hereby repealed.

Approved February 10, 1848.

1848.

CHAPTER 251.

AN ACT to amend an act to regulate the administration and settlement of estates.

Chancellor
may sell land in
preference to
slaves.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That should the personal estate prove insufficient for the discharge of the debts, the court shall, upon the petition of the guardian of any infant heir or devisee, stating, under the oath of such guardian, that it is for the interest of such ward for the land to be sold before the slaves, devised or descended to such ward, appoint two or more discreet house-keepers to inquire into and report the character and condition of said ward's estate, of every kind; and upon the coming in of such report, and on consideration thereof, if the court shall deem it for the interest of the infant that the land shall be sold before the slaves, a decree shall be made for the sale of the land, or so much thereof as may be necessary, and so let the devisee or heir keep the slave or slaves.

Approved February 10, 1848.

CHAPTER 260.

AN ACT regulating the terms of the Circuit and County Courts of Taylor, and for other purposes.

County at-
tached to 18th
Judicial District
Circuit Courts
when held.

Sec. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the county of Taylor shall be attached to the eighteenth Judicial District, and the Circuit Courts for said county shall be holden on the first Mondays in April and October, and shall sit twelve juridical days at each term, if the business shall require it. The County Court of Taylor shall be holden on the second Monday in every month.

May use Green
county jail.

Sec. 2. That the county of Taylor shall have the use of the Green county jail; and it shall be lawful for the Jailer of said county to receive and confine all persons sent from said county of Taylor, according to law.

Militia how
divided.

Sec. 3. That the division line between the counties of Taylor and Green, shall be the dividing line between the 16th and 99th Regiments of Kentucky Militia.

Duty Secretary
of State.

Sec. 4. That the Secretary of State shall furnish to the several officers of the Taylor Circuit and County Courts all the law books that the officers of the Green Circuit and County Courts are entitled to by law, if to be had.

Approved February 18, 1848.

CHAPTER 263.

1848.

AN ACT to run and mark a part of the line between Jefferson and Shelby counties.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the County Surveyors of Jefferson and Shelby counties are hereby appointed Commissioners to run and mark such part of the line between said counties as is not now marked and defined; and they are directed, at such distances as the County Courts of said counties shall direct, where there are no natural objects standing in said line, to plant permanent stones. Said Commissioners shall meet and do said services at such time as said County Courts shall direct, and shall be paid, for said services, such sum as said County Courts deem just and proper, each county paying its own Surveyor; which sums, so paid, said counties shall include in their respective county levies after such allowance is made.

Approved February 18, 1848.

CHAPTER 271.

AN ACT to pay the witnesses, for the State, in the trial of the impeachment of John A. Duff.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That each of the witnesses summoned, and attending upon the trial of the impeachment against John A. Duff, in behalf of the prosecution, shall be entitled to one dollar and twenty five cents for each day's attendance upon said trial, and six cents per mile, together with all ferriages and tolls paid by them, in going to and returning from said trial.

Am't allowed.

SEC. 2. That the Clerk of the Senate shall certify to the 2d Auditor the names and number of days each attended, with the mileage, ferriages and tolls of each of the said witnesses, or of such of them as shall appear before him and claim their attendance; and the Clerk is hereby authorized to examine said witnesses, upon oath, as to the amount of their respective claims.

Clerk to certify to Auditor.

SEC. 3. That it shall be the duty of the 2d Auditor, upon the certificate of the Clerk of the Senate, to draw his warrant upon the Treasury for the sum so certified to be due to each of said witnesses.

Auditor's duty.

Approved February 18, 1848.

CHAPTER 272.

AN ACT to change the time of holding the Crittenden Circuit Court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That, hereafter, the Crittenden Circuit Court shall

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commence on the fourth Mondays in March and September, and continue six juridical days, if the business of said court shall require it; and all process issued and made returnable to the May term, shall be returnable to the March term.

Approved February 18, 1848.

CHAPTER 281.

AN ACT to provide for a settlement with the present Keeper of the Penitentiary, the election of a Keeper or Keepers, and for other purposes.

Mode and manner of settlement; by who to be made.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That, for the purpose of making a final settlement with the present Keeper of the Penitentiary, up to the first day of March, 1849, when the time for which he was appointed expires, the raw materials, stock, and manufactured articles, on hand, shall be valued by three discreet and disinterested persons, who shall be practical mechanics, to be selected by the Commissioners of the Sinking Fund, at the expiration of said Keeper's term of office. Said valuers, so selected, shall, before they enter upon the duties of their appointment, take an oath before some Justice of the Peace of this Commonwealth, to faithfully and impartially, and to the best of their skill and ability, value said property, at a fair wholesale cash value, and annex the value to each article thereof, and return the same to the Commissioners of the Sinking Fund, to be by them preserved; and said valuers shall make a complete inventory of the tools and implements of trade in the Penitentiary, and annex the value of each article; and it shall be the duty of the Commissioners of the Sinking Fund, and they are hereby authorized to settle with the present Keeper, and divide the raw materials, stock, and manufactured articles, tools, implements of trade, debts, effects, and any other articles in which the Commonwealth and said Keeper are jointly interested, in such manner as, first, to provide for the payment of the debts of said Penitentiary; and, secondly, for a fair division of the net profits between the Commonwealth and said Keeper, in accordance with the law under which he became Keeper, and the several acts passed since that time in relation to the Penitentiary; and said valuers shall, also, make an inventory of the machinery then on hand, belonging to the Commonwealth, and annex the value to each article, with the view of being handed over to the next Keeper.

Capital set apart for future management.

SEC. 2. That a capital of ten thousand dollars, if there be so much belonging to the Commonwealth, shall be set apart, out of the raw materials, stock, manufactured articles, debts, and effects, aforesaid, as a capital and fund for the more efficient and profitable management of the Peni-

mentary, and shall be loaned to the Keeper or Keepers to be appointed under this act, for and during the time he or they may be in office, at an interest of six per centum, per annum, to be paid by said Keeper or Keepers, as part of the expenses of said Penitentiary, semi-annually, to the Commissioners of the Sinking Fund. And a Keeper or Keepers of the Penitentiary shall be elected by a joint vote of the Legislature, at the present session, who shall have the entire control and management of said institution, except as otherwise provided for by law, and shall continue in office until the first day of March, 1855, subject, however, to be removed by the Legislature, whenever he or they shall fail to manage the institution in such manner as the interest of the State may require, and the law directs.

SEC. 3. That the Commissioners of the Sinking Fund shall deliver over to the said Keeper or Keepers, the raw materials, stock, manufactured articles, debts, and effects, which the Commonwealth shall receive in the settlement with the present Keeper, to the value of ten thousand dollars, if there be so much on hand; if not, then whatever there may be; they shall, also, deliver over to him or them, the tools and implements of trade in the Penitentiary, and take his or their receipt for the same, on the inventory, with the value annexed to each article, as aforesaid, and file the same with the Second Auditor; they shall, also, deliver to him or them all the machinery then on hand, and take his or their receipt on the inventory, with the value annexed to each article, as aforesaid, and file the same with the Second Auditor.

SEC. 4. That the said Keeper or Keepers shall pay the principal sum for the raw materials, stock, manufactured articles, debts, and effects, which he shall receive from and receipt for, to the Commissioners of the Sinking Fund, whenever he shall cease to be Keeper, or he may do so at his election, at any time; or, at the expiration of his term, leave in the Penitentiary an equal amount in value of raw materials, stock, and saleable manufactured articles—the value to be estimated at a fair wholesale rate, for cash in hand. After settling and paying to the Commonwealth that part of the profits which shall be coming to her, under the provisions of this act, he or they shall, also, pay to the Commonwealth the principal sum for the tools and implements of trade which he or they shall receive and receipt for, or leave in the Penitentiary tools and implements of an equal wholesale cash value, when he or they shall cease to be Keeper or Keepers; and he or they shall pay to the Commonwealth the principal sum for the machinery which he or they shall receipt for, when he or they shall cease to be Keeper or Keepers, or leave in the Penitentiary machinery fit for the use of the institution, of equal wholesale cash value; and he or they shall settle with the Commissioners

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Mode of elect-
ing Keeper.

Raw materials
&c. to be deliv-
ered to the new
Keeper, and in-
ventory taken.

Value of raw
materials, &c.,
to be paid for:
when and how.

1848.

of the Sinking Fund on the first day of March, in each and every year, and pay over to them the profits to which the Commonwealth shall be entitled, under the provisions of this act: *Provided*, such profits can be had out of the cash on hand, bills of exchange, or notes; or should the Commissioners of the Sinking Fund, in case such profits can be had, as aforesaid, be of opinion that they can make a proper disposition of any of the manufactured articles, so as to turn the profits of the State into cash, they shall have the right to do so, but not to take any portion of the raw materials or stock on hand for said purpose.

Guards to be employed.

SEC. 5. It shall be the duty of the Keeper or Keepers to employ not less than four suitable persons as a guard for the safe-keeping of the prisoners, and at least two persons as assistant keepers, to all of whom, before entering upon the discharge of their duties, the Clerk of the Penitentiary shall administer an oath, that they will faithfully and honestly discharge the duties of guard, according to such regulations as may be adopted for the government of said Penitentiary. Said Keeper or Keepers shall, also, employ a good physician to attend to the health of the prisoners: *Provided*, that no appointment shall be made, under the provisions of this section, unless approved of by the Governor.

Physician.

'Keeper to take entire management.

SEC. 6. It shall be the duty of the said Keeper or Keepers to take upon himself or themselves the whole management and expense of said institution, in such manner as he or they may deem best for the interest thereof; to provide for the clothing and victualling of the convicts, for their guard and safe-keeping, and to defray all other expenses incident to the management and well-being thereof; and see that an accurate account thereof be kept, and that the vouchers upon which said accounts are founded, be rendered to the Clerk, to be entered by him upon the books of the Penitentiary; and he or they shall not be at liberty to erect, in said institution, any additional machinery, or further improvement, without the approbation of the Commissioners of the Sinking Fund, who are hereby authorized to order such machinery or other improvements as they may deem necessary. And the said Keeper or Keepers shall receive, as compensation for his or their services, liabilities, and risks, in the management of said institution, one-third part of the nett profits thereof, after defraying all the expenses of the institution and expenditures authorized and required by this act; and in the event of his or their removal or death, he or they, or his or their representatives, as the case may be, shall be entitled to his or their just proportion, up to that time, of the nett profits of said institution.

No new machinery, &c., to be erected.

Compensation to Keeper.

SEC. 7. That before the Keeper or Keepers shall enter upon the discharge of the duties of the office, he or they shall take the following oath: "I (or we) do solemnly swear,

that I (or we) will faithfully and impartially discharge the duties of Keeper (or Keepers) of the Penitentiary, according to law;" and the said Keeper or Keepers shall, also, enter into bond, in the office of the Secretary of State, with five or more sureties, to be approved by the Governor, in the penalty of fifty thousand dollars, payable to the Commonwealth of Kentucky, conditioned that he or they will faithfully perform the duties of Keeper or Keepers, according to law, and perform all the duties imposed by this act, and refund to the Commonwealth the full amount to which the raw materials, stock, and manufactured articles, on hand, may be valued, and for which he is required to give a receipt, under the third section of this act, with interest at the rate of six per cent., per annum, thereon, payable semi-annually, the principal to be paid at the expiration of his or their term of service; and that he or they shall account for all tools, implements of trade, and machinery, as required by this act; and pay to the Commissioners of the Sinking Fund, at the close of each year, as provided in the fourth section, such proportion of the profits as may be due to the State; which bond shall be filed with the Second Auditor, and may be sued upon, on behalf of the Commonwealth, as often as the conditions thereof are violated.

1848.

Oath of Keeper, and bond to be given.

Condition of bond.

Sec. 8. The Keeper or Keepers shall make an annual report to the Legislature, during the first week of its session, of the general condition, operations and business of the institution.

Annual report to be made.

Sec. 9. That the exercise of the right to reprieve or pardon, by the Governor, shall not, in any way, be considered by the Keeper or Keepers, as a violation of the provisions of this act: *Provided, however,* that if the State's proportion of the nett profits of said institution shall, in any year, fall short of the sum of five thousand dollars, including any account which the State may make with said institution, the said Keeper or Keepers shall make up the deficiency, so as to guarantee a clear profit to the State of at least five thousand dollars, exclusive of all expenses and interest, or money or property, loaned the Keeper or Keepers by the State.

Right of pardon.

Profits guaranteed.

Sec. 10. That in the event of the death of the Keeper or Keepers, or his or their refusal to qualify or give bond, agreeably to the provisions of this act, it shall be the duty of the Governor to appoint a Keeper of the Penitentiary, who shall continue in office until the end of the next annual session of the Legislature, unless otherwise provided for by law.

Vacancy how filled.

Sec. 11. That the Governor, with the advice and consent of the Senate, shall appoint a Clerk for the Penitentiary, to continue in office two years, whose duty it shall be to keep a true and faithful account of all the transactions of every kind relating to the business, contracts, expenditures, and income, of said institution, and to make quarterly reports

Clerk appointed; his duties.

1848.

Shall take oath
and give bond.

to the Commissioners of the Sinking Fund, stating therein the debits and credits, and balances for and against the institution, and when due to and from the same. It shall, also, be his duty to keep a journal, ledger, and cash book, in which the accounts of the institution shall be fully and fairly entered, according to the usual course of business and book-keeping, and have the accounts which may accrue each week, posted up at the end thereof: *Provided*, that the said Clerk shall, before he enters upon the duties of his office, take an oath, before some Justice of the Peace, faithfully and impartially to discharge the duties of Clerk of the Penitentiary, and shall, also, execute bond, to be approved of by the Governor, and filed in the Second Auditor's office, in the penalty of ten thousand dollars, with good and sufficient security, payable to the Commonwealth of Kentucky, conditioned that he will well and truly, and faithfully perform, as Clerk of the Penitentiary, all the duties enjoined on him by law, or which may appertain to the duties of his office, as Clerk.

Clerk may be
removed and va-
cancies filled.

SEC. 12. That the Governor shall have power to remove the Clerk, at any time, for incompetency or misdemeanor in office, and appoint another in his place; and should it become necessary, by reason of the sickness or death of the Clerk, or any other accident, that another Clerk should be appointed, the Governor shall make such appointment, *pro tem.*, as he may deem necessary; which Clerk, so appointed, shall take the like oath, and enter into like bond, and remain in office until another is appointed, in the manner prescribed in section eleven of this act.

Books may be
inspected.

Clerk's salary.

SEC. 13. That the books of said Clerk shall, at all times, be open to the inspection of any committee of the Legislature, and to the Commissioners of the Sinking Fund; and that said Clerk shall receive the sum of one thousand dollars, per annum, which shall be paid by the Keeper or Keepers of the Penitentiary, quarterly, out of the joint profits of the institution.

Penalty for
false entries.

SEC. 14. That if said Clerk shall make any false or fraudulent entry, or omit to make any entry that he should make, with a fraudulent intent, it shall be the duty of the Governor and Commissioners aforesaid, forthwith to remove him from office; and he shall, moreover, be indicted in the Circuit Court of Franklin county, and be fined in any sum not exceeding one thousand dollars.

Keepers to
furnish capital.

Loan to Keep-
er.

SEC. 15. That the Keeper or Keepers, to be elected under this act, shall be considered as bound to furnish capital requisite to carry on the business of the Penitentiary, and to enable him or them, in part, to do so, the sum of ten thousand dollars, which has been heretofore loaned to the present Keeper of the Penitentiary, shall be loaned to the Keeper or Keepers to be elected under this act, in the same manner, and upon the same terms and conditions, that said

sum of money was, as aforesaid, loaned to said present Keeper, except that the interest thereon shall be paid as part of the expenses of the said Penitentiary. It shall not be lawful for said Keeper or Keepers to purchase raw materials, stock, or provisions, on credit, without the written consent of the Governor; which written consent shall be filed with the Clerk; and he or they shall have the right to pay up, at any time, the amount of the raw materials, stock, manufactured articles, debts, effects, or money loaned, which he or they shall receive, on going into office, and relieve himself or themselves from the interest.

SEC. 16. That the First and Second Auditors, Treasurer, Register, and Attorney General, be and they are hereby appointed a Board of Visitors, whose duty it shall be to visit the Penitentiary as often as they may deem proper, and at least once in each month, and make examination of the state of the institution, the health of the convicts, the manner of dieting them, the cleanliness of the cells, and the treatment of the convicts generally, and make such report to the Legislature as the condition of the institution may require.

SEC. 17. That any sum not exceeding two hundred and fifty dollars, at the discretion of the Board of Visitors, shall be annually expended for the moral and religious instruction of the convicts; that tobacco, in such quantities, and at such times, as he or they may deem necessary, be furnished to the convicts; and that the Keeper or Keepers shall pay to any convict who has been confined in the Penitentiary, when he shall be discharged therefrom, the sum of five dollars, one hat, one new jeans coat and pantaloons, one waistcoat, two new shirts, one pair of socks, and one pair of shoes, which shall be considered as expenses of the institution: *Provided*, that the articles of clothing aforesaid shall not be given to persons discharged by Executive pardon, or otherwise, who have not served one year.

SEC. 18. The sum of one hundred dollars is hereby appropriated to purchase, under the direction of the Governor, an additional number of moral and religious books, to be added to the present Library in the Penitentiary, and said Keeper or Keepers shall have said books given out and returned every week, so that they shall be well taken care of.

SEC. 19. *Be it further enacted*, That the Commissioners of the Sinking Fund allow, in their settlement with the Keeper of the Penitentiary, a credit to said Keeper for the sum of \$1,606 75, that sum being the amount of an account for extra buildings, furnishing eating room, chapel, kitchen, &c., if, on examination, they consider said sum no more than reasonable and fair for the same.

SEC. 20. *Be it further enacted*, That the State shall have two-thirds of the nett profits of the said institution: *Provided, however*, that the Keeper or Keepers shall guaranty

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Shall not purchase on credit without consent of Governor.

Board of Visitors.

Not exceeding \$250 to be spent in moral and religious instruction; and clothing, &c., to be furnished.

Appropriations to purchase books.

Credit allowed present Keeper for buildings.

The State to have two-thirds of profits. Guarantee of \$5,000.

1848.

to the State a profit of not less than five thousand dollars, annually, clear of all expenses, interest and losses.

Approved February 18, 1848.

CHAPTER 297.

AN ACT increasing the powers of the Harrison County Court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the County Court of Harrison county shall be so far exempted from the provisions of the existing laws, regulating the construction of public buildings, that they may be and they are hereby authorized to appoint three Commissioners, with full power and directions to contract, in whatever manner may, to said Commissioners, seem most advisable, whether by public letting, or otherwise, for the materials and construction of a county jail for said county, and that the said Court shall be at liberty to levy for a sufficient amount to pay said Commissioners a reasonable compensation for their services.

Approved February 25, 1848.

CHAPTER 302.

AN ACT to detach Estill county from the 11th and to add it to the 10th Judicial District.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Estill county be detached from the eleventh Judicial District and attached to the tenth Judicial District.

Approved February 25, 1848.

CHAPTER 306.

AN ACT to legalize the proceedings of the Ohio County Court at their January Term, 1848, and for other purposes.

Proceedings of
Ohio C'ty Court
legalized.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the acts and proceedings of the Ohio County Court, held on the fourth Monday in January, 1848, be and are hereby legalized, and made as valid as though said Court had been held on the day now fixed by law.

Proceedings
Butler County
Court legalized.

SEC. 2. That the act of the County Court of Butler, in the appointment of Samuel D. Gardner as Constable of said county, be and the same is hereby declared as legal and valid as though the said Gardner had resided in the district in which he was appointed for six months.

Approved February 25, 1848.

CHAPTER 315.

1848.

AN ACT concerning Conveyances.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That where deeds of conveyance to land shall have been, or shall hereafter be, made and executed by a husband whose wife has not, or shall not, thereafter, unite with him in the deed of conveyance, it shall be lawful for such wife to execute a deed at a different time, and by a different and separate writing than the one executed by the husband, relinquishing thereby her right of dower; such writing to be executed in the mode now prescribed by law for the privy examination of married women.

Approved February 25, 1848.

CHAPTER 323.

AN ACT to change the time of holding the Christian Circuit and County Courts, and for other purposes.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That, hereafter, the Circuit Court of Christian county shall be held on the second Mondays in the months of May and November, of each year, and shall continue twenty four juridical days, if the business shall require it; and the County Court of said county, now holden on the first Mondays of said months, shall hereafter be held on the last Mondays in October and April.

The Christian Court changed.

Christian C'ty Court changed.

SEC. 2. That, hereafter, the April and October terms of the Union Circuit Court shall continue eighteen juridical days, if the business of said Court shall require it.

Union Circuit Court extended.

SEC. 3. *Be it further enacted,* That, hereafter, it shall be the duty of the Judge of the Trigg Circuit Court to hold a chancery term of said Court for the preparation and trial of chancery causes, commencing on the second Mondays in August, in each year, and shall sit six juridical days at each term, if the business shall require it.

Chn'cy term allowed Trigg.

Approved February 25, 1848.

CHAPTER 324.

AN ACT to legalize the proceedings of the Graves County Court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the proceedings of the Graves County Court, at their January term, 1848, in appointing Daniel T. Cargill, Sheriff of said county, and in taking the official bond of said Cargill, as Sheriff of said county, be and they are hereby legalized and rendered valid in law.

Approved February 25, 1848.

1848.

CHAPTER 336.

AN ACT to erect a Monument to those who have fallen in the defence of their country.

WHEREAS, the Commonwealth of Kentucky has often had cause to mourn the loss of many of her bravest sons upon the field of battle—in the Indian wars, in the late war with Great Britain, and in the present war with Mexico, and whose bones now rest in the plains where they won imperishable fame by their heroic valor—but has ever had cause to rejoice that they fell with honor, and have thus secured for their native State a proud name among the States of the Union: and whereas, the remains of many of the officers and soldiers who have won imperishable laurels for Kentucky, during the present war with Mexico, and who laid down their lives in defence of their triumphant flag, have been removed to the public mound of the Frankfort Cemetery, and now rest in the bosom of their beloved Kentucky. Therefore, to preserve from oblivion the names of those who have fallen in defence of their country, and to testify to the world the high regard that Kentucky cherishes for her patriotic and gallant dead, and to stimulate those who come after us to emulate the deeds of their ancestors:

Monument to
be erected.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That a military monument shall be erected on the State mound in the Frankfort Cemetery, on which suitable devices and inscriptions shall be placed, to commemorate the deeds of her gallant dead.

Names of those
falling hereafter
may be inscribed.

SEC. 2. Said monument shall be so constructed that the names of those who hereafter fall in defence of their country, may be inscribed thereon, at the will of the General Assembly.

Appropriation.

SEC. 3. That, for the purpose of erecting the monument aforesaid, the sum of five thousand dollars, during the present year, and a like sum during next year, and a like sum during the year following, is hereby appropriated.

Committee to
superintend the
erection.

SEC. 4. That Mason Brown, Humphrey Marshall, Ezekiel H. Field, Carey H. Fry, O. H. P. Beard, Wilkerson Turpin, Roger W. Hanson, and James Monroe, be and the same are hereby appointed a committee to contract for and cause the aforesaid monument to be rector. The said committee may fill any vacancy that may be caused by death, resignation, or otherwise. They may elect a chairman, and shall have power and authority, through their chairman, to draw, from time to time, from the Treasury, the aforesaid sums of money, as above appropriated, or so much thereof as may be necessary for the purposes aforesaid.

May take bond
from undertaker

SEC. 5. They shall have power to take any bond and security for the faithful discharge of the work they may deem proper, payable to the Commonwealth, and shall, from time to time, report their proceedings to the Legislature.

Sec. 6. That the name of the late Col. John J. Hardin, of the first Illinois Infantry, who was killed in the battle of Buena Vista, and who was a native of Kentucky, be inscribed on said monument.

1848.

Approved February 25, 1848.

CHAPTER 330.

AN ACT changing the time of holding the Estill County Court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That, from and after the first day of March, 1848, the County Court of Estill county shall be held on the 4th, instead of the 3d Monday in each month in which there is no Circuit Court held in said county.

Approved February 25, 1848.

CHAPTER 332.

AN ACT to change the time of holding the Oldham Circuit Court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the next fall term of the Oldham Circuit Court shall commence on the third Monday in October, and thereafter, said Circuit Court shall commence on the third Monday in April and October of each year, and continue six juridical days at each term, if the business of the court shall require it.

Approved February 25, 1848.

CHAPTER 336.

AN ACT for the benefit of the Board of Internal Improvement.

WHEREAS, it is represented that in the future repairs of Lock and Dam No. 4, on the Kentucky river, and likewise the free use and application of water power of said dam, it may be needful for the State to become the owner of a piece or narrow slip of land fronting said river, situate between the land now owned by the State and the old warehouse; and that said land can be procured by exchange or otherwise, on terms deemed reasonable. Therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Board of Internal Improvement be and they are hereby empowered, in the name and behalf of the Commonwealth of Kentucky, to procure said land by an exchange of any land now owned by said Commonwealth, at or near said Lock and Dam, No. 4, that in their opinion can be parted with without injury or detriment to the said Commonwealth, in the use of said Lock and Dam;

May procure slip of land below Lock & Dam No. 4, Ky. river, by an exchange or purchase.

1848.

the land so transferred, procured or exchanged, not to exceed five acres; and in the event said land cannot be procured by exchange, then said Board may (if by them deemed right and proper,) purchase said land: *Provided*, the price thereof does not exceed fifty dollars per acre, to be paid out of any funds in the hands of said Board not otherwise appropriated; and that the said Board have power, in the name of the Commonwealth, to execute, deliver and receive any deed, or other instrument of writing, by them deemed needful to pass or vest the title of said land thus exchanged or purchased.

Approved February 25, 1848.

CHAPTER 346.

AN ACT to allow additional terms to the Harrison and Estill Circuit Courts, and to change the time of holding the Chancery Term of the Nicholas Circuit Court.

Harrison Court. SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That there shall be and is hereby allowed to the Harrison Circuit Court an additional term in each year, to commence on the second Monday in June, and to continue for twelve juridical days, if the business of said court shall require it.

Estill Court. SEC. 2. That a special term be allowed the Estill Circuit Court for the year 1848, to commence on the second Monday in June, and continue twelve juridical days, if the business thereof shall require it.

Nicholas Court. SEC. 3. That the Chancery Term of the Nicholas Circuit Court, shall, hereafter, commence on the first Tuesday after the 3d Monday in July, and continue five juridical days.

Approved February 26, 1848.

CHAPTER 357.

AN ACT to facilitate the construction of the Electric Telegraph.

Who authorized to construct lines. SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That any person or persons, who shall have lawfully acquired the right, by patent, or by contract or assignment, of any patentee, of any system of Electric Telegraphs, to use said Telegraph, may and are hereby authorized to construct lines of Electric Telegraphs, from point to point, upon and along any of the public highways or roads, and across any of the waters within the limits of this State, by the erection of the necessary fixtures, including posts, piers, or abutments, for sustaining the cords or wires of such lines: *Provided*, the same shall not, in any instance, be so constructed as to incommode the public use

Proviso.

of said roads or highways, or endanger or injuriously interrupt the navigation of said waters; nor shall this act be so construed as to authorize the erection of any bridge across any of the water courses of this State.

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SEC. 2. No such lines, posts, piers, or abutments and fixtures, shall be made or placed in, upon, or over the land or lands of any person in this Commonwealth, without the written consent of such person first had and obtained; and if any person shall refuse such consent, then the said person or persons, so wishing to construct said Telegraph, may go before a Justice of the Peace and obtain a writ of *ad quod damnum*; which, when issued, shall be directed to the Sheriff of the county in which the lands lie, and a jury of twelve house keepers shall be summoned, and three days notice shall be given to the owner or owners of the land; which jury shall, on oath, assess the damages which in their opinion would be sustained by the owner or owners of the land, by the constructions proposed; and upon payment of such damages and costs, the said person or persons, may go on to erect their posts, piers, abutments, and fixtures, &c., for an Electric Telegraph: *Provided*, that if the contract or patent, under which such person or persons shall cause said fixtures to be made or erected, shall be declared void, then the said person or persons shall be considered trespassers *ab initio*.

Written consent to be obtained.

Writ of *ad quod damnum*.

Proceedings.

Upon payment of damages, &c. may erect.

SEC. 3. Any person who shall unlawfully, maliciously, and intentionally, injure, molest, or destroy, any of said lines, posts, abutments, or the materials or property belonging thereto, authorized by this act, shall, on conviction thereof, be punished by fine not exceeding five hundred dollars, or imprisonment in the Penitentiary of this Commonwealth not exceeding one year, at the discretion of the jury.

Penalty for injuries to Telegraphs.

SEC. 4. Prosecutions, under the preceding section, shall be by indictment in the several Circuit Courts in this Commonwealth, within whose jurisdiction such offences may be committed, and shall be commenced within one year after the offence is committed.

Prosecutions: how conducted.

SEC. 5. The Legislature may, at any time, alter, modify, or repeal this act; and the stock or value invested in said lines of Electric Telegraph, shall be subject to taxation, like other property in the Commonwealth.

Right to modify, &c., reserved.

SEC. 6. That the Legislature shall, at all times hereafter, have the right to regulate the prices or charges for the transmission of intelligence through or on any of the lines herein authorized to be established.

Legislature may regulate the prices of transmission.

SEC. 7. That any agent, officer, manager, or other person, of any Telegraphic line constructed in this State, who shall be instrumental in transmitting, on or through the same, any false communication or intelligence, with intent to defraud or injure, or to speculate upon any article of

Penalty on an Agent, &c., for transmitting intelligence that is false.

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Penalty for
withholding in-
telligence.

trade or commerce, knowing the communication to be false, or if any such agent, officer, or manager, or other person, shall, from corrupt or improper motives, withhold or delay the transmission of messages or intelligence for which the customary charges have been paid or tendered, shall be deemed guilty of a misdemeanor, and shall be fined in any sum not exceeding five hundred dollars, nor less than ten dollars, upon indictment and conviction in any court of competent jurisdiction.

Messages to be
sent in order
presented.

SEC. 8. All messages or orders shall be sent in the regular order in which they are presented to the office or agent, under a penalty of twenty dollars fine for refusal or neglect.

Approved February 26, 1848.

CHAPTER 367.

AN ACT to amend the law concerning forfeited recognizances and bail bonds.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That, hereafter, all moneys arising from forfeited recognizances and bail bonds, the conditions of which have not been complied with in cases of alledged homicide, shall be paid into the Sinking Fund, for the benefit of Common Schools, and be part of the Common School Fund of this Commonwealth; and it shall be the duty of the Trustees of the Jury Fund, in each county of this Commonwealth, to collect the money on all such bonds and recognizances, and pay the same over to the Common School Commissioners of the county, who shall pay the same over to the Commissioners of the Sinking Fund.

Approved February 26, 1848.

CHAPTER 383.

AN ACT to amend the act requiring the several County Courts to procure a set of weights and measures, approved February 1, 1839.

Time extended. SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the third section of the act to which this is an amendment, shall be and the same is hereby continued in force, so far as regards all counties in the State that have not yet procured a standard of weights and measures; and the several County Courts that have not procured the same, shall have the further time of eighteen months, from and after publication, by the Governor, of his readiness to furnish the same, in which to procure them.

SEC. 2. That any County Court may, at any time within six months after the passage of this act, notify the Governor

that they will not purchase said weights and measures, and for such county the Governor shall not have them made.

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Approved February 26, 1848.

CHAPTER 387.

AN ACT for the benefit of the Morgan County Court.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That, hereafter, the Justices of the Peace in Morgan county shall hold a County Court, for said county, on the fourth Mondays in May and November, in each year; and it shall be the duty of said County Court, at the May term thereof, to attend to all the road business of said county.

Terms to be held in May and November.

SEC. 2. That said Court shall, at the November term, in each year, lay their county levy, and for this purpose, it shall be the duty of each Justice of the Peace, in said county, to attend said Court; and, on the failure of any of said Justices to attend, it shall be the duty of said Court, at its succeeding term, to fine such defaulting Justices any sum not exceeding five dollars, unless excused by said Court.

To lay levy at Nov; penalty on Justices for failing to attend.

Approved February 26, 1848.

CHAPTER 393.

AN ACT to amend the penal laws.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That each and every person who shall wantonly, mischievously, wilfully, and wickedly, or who shall wilfully and maliciously injure, deface, disfigure, mutilate, or destroy, or cause to be injured, defaced, disfigured, mutilated, or destroyed, the property of another, either real or personal, or any public property, shall be deemed guilty of a misdemeanor, and subject to an indictment in the county where said offence may be committed; and, upon conviction thereof, shall be fined any sum not less than the value of the injury done, nor exceeding five hundred dollars; and may also be imprisoned in the jail of the county, at the discretion of a jury, any term not exceeding twelve months: *Provided*, that in those counties, cities and towns, in which there are public work-houses, such imprisonment may, in the discretion of the Court, be in such work-house.

Liability for injuring or destroying property.

Penalty imposed.

Provide.

Approved February 26, 1848.

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CHAPTER 397.

AN ACT to incorporate the Lexington and Frankfort Railroad Company.

Comrs appointed to receive subscriptions of stock.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That John W. Hunt, John Brand, Benjamin Gratz, Henry T. Duncan, Dr. E. Warfield, James O. Harrison, Benjamin W. Dudley, Samuel G. Jackson, Leslie Combs, Robert S. Todd, John Tifford, Edward P. Johnson, James A. Grinstead, Richard Pindell, F. K. Hunt, Farmer Dewees, John Steele, Samuel R. Bullock, William Rodes, George W. Sutton, Jacob Hughes, Richard Higgins, and John McMurtry, of Fayette, and Robert P. Letcher, James Harlan, John W. Russell, L. A. Thomas, John H. Hanna, Philip Swigert, Harry I. Bedley, Edmund H. Taylor, and John Watson, of Franklin county, be and they are hereby appointed Commissioners, under the direction of a majority of whom subscriptions may be received to the capital stock of the Lexington and Frankfort Railroad Company, hereby incorporated; and they, or a majority of them, may cause books to be opened at such times and places as they may direct, for the purpose of receiving subscriptions to the capital stock of said Company, after having given such notice of the times and places of opening the same as they may deem proper, and that after the first opening of said books, they shall be kept open for at least five successive days, from ten o'clock, A. M., until 2 o'clock, P. M.; and if, at the expiration of that period, such a subscription to the capital stock of said Company, as is necessary to its incorporation, shall not have been obtained, the said Commissioners, or a majority of them, may cause the said books to be opened from time to time, after the expiration of said five days, for the space of twelve months thereafter, or until the sum necessary to the incorporation of said Company shall be subscribed, if not sooner subscribed; and if any of the Commissioners shall die, resign, or refuse to act, during the continuance of the duties devolved upon them by this act, another may be appointed in his stead by the remaining Commissioners, or a majority of them.

To give notice of time & place opening books.

If stock is not all subscribed books can be re-opened.

Capital stock.

Company may purchase and hold, or may lease real estate; may use a seal; see and be sued.

SEC. 2. *Be it further enacted*, That the capital stock of the said Lexington and Frankfort Railroad Company shall be four hundred and fifty thousand dollars, in shares of one hundred dollars each, which may be subscribed for by any individual or corporation; and as soon as two thousand shares of the said capital stock shall be subscribed, the subscribers of the said stock, their successors and assigns, shall be and they are hereby declared to be incorporated into a Company, by the name of the Lexington and Frankfort Railroad Company, and by that name shall be capable, in law, of purchasing, holding, selling, leasing, and conveying real estate, not exceeding twenty-five hundred acres, and personal and mixed estate, so far as the same shall be ne-

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cessary for the purposes hereinafter mentioned, and no further; and shall have perpetual succession, and by said corporate name, shall sue and be sued, and may have and use a common seal, which they shall have power to alter or renew at their pleasure; and shall have, enjoy, and may exercise all the powers, rights and privileges which other corporate bodies may lawfully do, for the purposes mentioned in this act. Whenever the Governor, (for the time being) of this Commonwealth shall be satisfied that two thousand shares of the said capital stock has been, *bona fide*, subscribed by individuals and corporations competent thereto, and solvent, he shall subscribe, in the name and on behalf of the Commonwealth of Kentucky, for fifteen hundred shares of said stock, payment whereof shall be only made in the manner prescribed in the twenty-fourth section of this act.

Gov. shall subscribe stock for State.

SEC. 3. *Be it further enacted*, That if more than four thousand five hundred shares shall be subscribed to the capital stock of said Company, the said Commissioners, or a majority of them, shall reduce, by striking off in succession from the largest number of shares subscribed for by single individuals or corporations, until the subscriptions shall be reduced to four thousand five hundred shares, so as to equalize the stockholders, as far as may be: *Provided*, that the number of shares subscribed by any stockholder in the Lexington and Ohio Railroad Company shall not be reduced below the number of his or her shares of said Lexington and Ohio Railroad stock, so long as any subscriber, not a holder of said stock, retains any stock in the Company hereby incorporated: *And provided, also*, that the number of shares subscribed on behalf of this Commonwealth, according to the provisions of the foregoing section, shall in no event be reduced.

If more than capital stock be subscribed, the subscriptions reduced.

SEC. 4. *Be it further enacted*, That at every such subscription, there shall be paid, at the time of subscribing, to the said Commissioners, or their agents, appointed to receive such subscription, either in money or a note negotiable and payable at some bank, at sixty days date, or longer, at the option of said Commissioners, or their agents, the sum of one dollar on every share subscribed; and the residue thereof shall be paid in such instalments, and at such times, as may be required by the Board of Directors of said Company: *Provided*, no payment shall be demanded until at least thirty days' public notice of such demand shall have been given by the said Board of Directors, by publication in some newspaper published in the city of Lexington; nor shall more than fifty per cent. of each share of stock be called for in any one year; but if the exigencies of the Company should require the payments on the stock to be made more rapidly than is provided for herein, or should the Board of Directors, or a majority of the whole number elected, con-

Subscriptions paid in instalments.

Notice to be given of time of payment.

President and Directors may borrow money on the credit of the Company.

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If subscriptions
be not paid the
stock forfeited.

Lien reserved
on road by State
for her stock.

Stock to be
subscribed in 1
year, or charter
forfeited.

Com's to call
meeting of stock
holders to elect
Directors.

Directors to
elect President.

sider it expedient, for the purposes of aiding the stockholders, or hastening the completion of the contemplated road, it shall be lawful for them to borrow, on the credit of said Company, a sum of money not exceeding one hundred thousand dollars. And if any subscriber shall fail or neglect to pay any instalment, or part of said subscription, demanded according to the provisions of this section, the same may be recovered by action of debt, in the name of said corporation, against such defaulting subscriber, in any tribunal having jurisdiction of such cases; and in all such actions, publication, as directed in this section, shall be the only demand necessary to be proved; or, in case such failure or neglect to pay any instalment, or part of said subscription, demanded according to the provisions of this section, shall continue for the space of sixty days next after the time the same shall be due and payable, the Board of Directors may, in their discretion, order that the same shall be forfeited to the Company, and they may, also, sell it for the benefit of the Company, if they think proper to do so; but the said Board of Directors, by a majority of the whole Board may remit any such forfeiture, on such terms as they may think proper; and saving and reserving also, a lien on the road by the State for the amount of its stock, until the private stockholders shall have paid in the amount of the two thousand shares to be subscribed by them.

Sec. 5. *Be it further enacted*, That if the subscription herein made necessary to the incorporation of said Company, shall not be obtained within one year after the first opening of the subscription books by the said Commissioners, this act, and all the subscriptions under it, shall be null and void; and the said Commissioners, after discharging the expenses of opening the books, shall return the residue of the money, paid in upon such subscriptions, to the several subscribers, in proportion to the sums respectively paid in by them.

Sec. 6. *Be it further enacted*, That at the expiration of the five days for which the books are first opened, if two thousand shares of capital stock shall have been subscribed, or if not, as soon thereafter as the same shall be subscribed, if within one year after the first opening of the books, the said Commissioners, or a majority of them, shall call a general meeting of the subscribers, at such time and place as they may appoint, and shall give at least twenty days' public notice thereof; and at such meeting, the said Commissioners shall lay the subscription books before the subscribers then and there present, and thereupon the said subscribers, or a majority of them, then present, shall, from among the stockholders, elect four Directors, by ballot, to manage the affairs of said Company; and these four Directors, together with the two appointed on behalf of the Commonwealth, as hereinafter provided, or a majority of them, shall have

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the power of electing a President of said Company, (who shall, also, be President of the Board of Directors,) either from amongst the Directors or any other stockholder, and of allowing him such compensation for his services as they may deem proper; and that in said election, and on all other occasions wherein a vote of the stockholders of said Company is to be taken, each stockholder shall be allowed one vote for every share owned by it, him, or her; and every stockholder may, in writing, depute any other person to vote and act for it, him, or her, as its, his, or her proxy; and the Commissioners aforesaid, or any three or more of them, shall be judges of the said first election of Directors: *Provided*, that no vote shall be given on behalf of the stock owned by the State, at any election of Directors, but in lieu thereof, the Governor shall nominate, and, by and with the advice and consent of the Senate, appoint two Directors annually, who shall be members of said Board; but the number of Directors appointed on behalf of the State shall never be more than one for every five hundred shares of stock owned by the State.

Stockholders to have one vote for every share of stock.

Gov. to appoint two Directors.

Sec. 7. *Be it further enacted*, That, to continue the succession of the President and Directors of said Company, four Directors shall be chosen annually, on the third Monday in May, in every year, in the city of Lexington, by the stockholders of said Company; and that the Directors of said Company, or a majority of them, shall have power to appoint judges of all elections, and to elect a President of said Company, either from amongst the Directors or any other stockholder, and to allow him such compensation for his services as they may deem proper; and if any vacancy shall occur, by death, resignation, or refusal to act, of any President or Director, before the year for which he was elected has expired, a person to fill such vacant place, for the residue of the year, may be appointed by the Board of Directors of said Company; and that the President and Directors of the Company shall hold and exercise their offices until a new election of President and Directors; and that all elections which are by this act, or the by-laws of said Company, to be made on a particular day, or at a particular time, if not made on such day, or at such time, may be made at such time thereafter as the Board of Directors may appoint.

President and Directors to be chosen annually

President allowed compensation.

President and Directors to hold office until new election.

Sec. 8. *Be it further enacted*, That a general meeting of the stockholders of said Company may be called, at any time during the interval between the annual meetings, by the Board of Directors, or by the stockholders owning at least one-fourth of the whole stock subscribed, upon giving thirty days' public notice of the time of holding the same, which shall be at some place in Lexington, named in the advertisement; and when any such meetings are called by the stockholders, such notice shall specify the particular object

Called meetings of stockholders may be held.

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of the call ; and if, at any such called meetings, a majority (in value) of the stockholders of said Company are not present, in person or by proxy, such meeting shall be adjourned from day to day, without transacting any business, for any time not exceeding three days ; and if, within said three days, stockholders having a majority (in value) of the stock subscribed, do not attend, such meeting shall be dissolved.

President and Directors to report to stockholders at annual and called meetings.

SEC. 9. *Be it further enacted*, That at the regular annual meetings of the stockholders of said Company, it shall be the duty of the Board of Directors in office, for the preceding year, to exhibit a clear and distinct statement of the affairs of the Company ; that, at any called meeting of the stockholders, a majority (in value) of the whole stock subscribed being present, a majority (in value) of the attending stockholders may require similar statements from the Board of Directors, whose duty it shall be to furnish them, when thus required ; and that at any general meeting of the stockholders, or a majority (in value) of all the stockholders in said Company, may remove from office the President or any of the Directors of said Company, and fill up vacancies thus created, in the same way, and to the same extent, that they could do at their stated annual meetings.

President and Directors may be removed by stockholders.

President and Directors to take oath.

SEC. 10. *Be it further enacted*, That every President and Director of said Company, before he acts as such, shall swear, or affirm, (as the case may be,) that he will well and truly discharge the duties of his said office, to the best of his skill and judgment.

May re-open books.

SEC. 11. *Be it further enacted*, That if any of the stock, created by virtue of this act, shall remain unsubscribed until after the election of the President and Directors, as provided for in the sixth section of this act, the Board of Directors shall have power to open books and receive subscriptions to any of the capital stock of said Company, which may remain unsubscribed for, or to sell or dispose of such unsubscribed stock, for the benefit of the Company, for any sum not under its par value ; and the purchasers or subscribers of such stock shall have all the rights, powers and privileges of original subscribers, and shall be subject to the same regulations. The shares of stock in said Company shall be held and considered as personal estate, to all intents and purposes whatsoever, and shall be transferred only by assignment, in writing, to be executed, authenticated, and registered, as may be prescribed in the by-laws of said Company.

President and Directors to appoint officers &c

SEC. 12. *Be it further enacted*, That the said Board of Directors shall have the general management and control of the affairs of said Company ; they may appoint all such officers, engineers, agents, or servants whatsoever, as they may deem necessary for the transaction of the business of the Company, and may remove any of them at their pleasure ; that they shall have power to determine, by contract,

the compensation of all the engineers, officers, agents, servants, or others, in the employ of the said Company, and to regulate, by their by-laws, the manner of adjusting and settling all accounts against the Company; that they shall have power to erect buildings for the safe-keeping of articles entrusted with them for transportation, and for workshops necessary for the business of the Company; that they shall have power to direct the manner; and by what evidence, stock in said Company may be transferred; and to pass all by-laws which they may deem necessary or proper, for exercising all the powers vested in the Company hereby incorporated, and for carrying the object of this act into effect: *Provided only*, that such by-laws shall not be contrary to the laws of the United States or the laws of this State. The President and three Directors, or any four Directors without the President, shall constitute a quorum of the Board of Directors for the transaction of all business, and the execution of all powers, confided to said Board by this act, or the by-laws of said Company.

Sec. 13. *Be it further enacted*, That if the capital stock of said Company shall be deemed insufficient for the purposes of this act, it shall and may be lawful for the Board of Directors of said Company, from time to time, to increase the said capital stock, by the addition of as many shares as they may deem necessary, not exceeding in amount two hundred and fifty thousand dollars, for which they may, at their option, cause subscriptions to be received, giving notice in the manner hereinbefore prescribed, or may sell the same, for the benefit of the Company, for any sum not under their par value.

Sec. 14. *Be it further enacted*, That the Board of Directors of said Company shall be, and they are hereby invested with all the rights and powers necessary for the construction and repair of a Railroad, not exceeding sixty six feet wide, with as many sets of tracks as the said Board of Directors may deem necessary, from the city of Lexington to some one or more suitable points (to be determined by said Board) on the Kentucky river, in or near the town of Frankfort, and to St. Clair street, in said town; and shall be and they are authorized to contract with the Louisville and Frankfort Railroad Company for a junction, at that point, of the Railroad hereby authorized to be constructed, with the said Louisville and Frankfort Railroad, and for the use of a common track or tracks, to the bank of the Kentucky river, in the town of Frankfort, on such terms as shall be agreed on; and to construct such lateral, or side track or tracks, from said track, common to both Companies, to terminate on the bank of said river, as they may choose, subject to the conditions, limitations and restrictions contained in this act; and that they may cause to be made, contracts with others, for making said Railroad, or any parts of it, and

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May erect
buildings, &c.

Stock—how to
be transferred.

May increase
capital stock.

May make
railroad from
Lexington to Ky
river: powers
given for that
purpose.

May contract for
a junction with
Louisville road.

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they shall have power, by themselves or their agents, to enter, with their engineers, superintendents, and workmen, as they may find necessary, into and upon any lands in the vicinity of the route contemplated for the said road, and to survey and lay out such route or track as shall to them seem most suitable for said road, doing as little damage as possible to the ground or enclosures; and they, their agents, or those with whom they may contract for making any part of the same, or their agents, may enter upon, take possession of, and use, and excavate, any land which may be wanted for the site of said road, or the erection of warehouses or other works necessary to said road, or for any other purpose necessary or useful in the construction or repair of said road or its works, or the use thereof after its completion; and that they may build bridges, provided the same do not obstruct the navigation on navigable streams; may construct said Railroad across or along Turnpikes, or other public roads or streets; may fix scales and weights; may lay rails; may take and use, any earth, timber, gravel, stone, or other materials, which may be wanted for the construction or repair of said road, or any part of its works; and may make and construct all works whatsoever, which may be necessary and expedient, in order to the proper completion of said road.

May agree with owners of land or have jury to assess damages.

Jury—how to be summoned & selected.

SEC. 15. *Be it further enacted*, That the Board of Directors of said Company, or any person or persons authorized by them, may agree with the owner or owners of any land, earth, timber, gravel, stone, or other materials, or any improvements which may be wanted for the construction or repair of said road, or any of their works, for the purchase, and use, and occupation of the same; and if they cannot agree, and if the owner or owners, or any of them, be a *feme covert*, under age, *non compos mentis*, or out of the county in which the property wanted may lie, when such lands or materials may be wanted, application may be made to any Justice of the Peace of such county, who shall, thereupon, issue his warrant, directed to the Sheriff of said county, requiring him to summon a jury of twenty disinterested inhabitants of said county, not related to the owner or owners thereof, to meet on the land, or near to the other property or materials to be valued, on a day named in said warrant, not less than ten nor more than twenty days after the issuing of the same; and if, at said time and place, any of said jurors summoned do not attend, the said Sheriff shall immediately summon as many jurors as may be necessary, with the jurors in attendance, to furnish a panel of twenty jurors in attendance; and from them each party, or its, his, her, or their agent, or if either be not present, in person or by agent, the Sheriff, for it, him, or her, may strike off four jurors, and the remaining twelve shall act as the jury of inquest of damages; and before they act as such, the said

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Sheriff shall administer to each of them an oath, or affirmation, as the case may be, that they shall justly estimate the property which may be taken or appropriated to the use of the Company; and if the owner or owners of the property, so taken, shall claim consequential damages beyond the value of the property so taken, as aforesaid, that then the jury shall take into the estimate the benefit resulting to such owner or owners from constructing said Railroad, through, along, or near the property of said owner or owners, but only in extinguishment of said claim for consequential damages; and the said jury shall reduce their inquisition to writing, and shall sign and seal the same; and it shall then be returned by said Sheriff to the Clerk of the Circuit Court of said county, and by such Clerk filed in his office, and shall be confirmed by said Court at its next session, if no sufficient cause to the contrary be shown; and when confirmed, shall be recorded by said Clerk, at the expense of said Company; but if set aside, the Court may direct another inquisition to be taken, in the same manner above prescribed, and such inquisition shall describe the property taken, or the bounds of the land condemned, and the quantity or duration of the interest in the same, valued for the Company; and such valuation, when paid, or tendered to the owner or owners of said property, or his, her, or their legal representatives, shall entitle the said Company to the estate and interest in the same, thus valued, as fully as if it had been conveyed by the owner or owners of the same; and the valuation, if not received when tendered, may, at any time thereafter, be received from the Company, without cost, by the said owner or owners, his, her, or their legal representative or representatives.

Inquest of jury to be returned to C't Court, & the proceedings thereon.

Sec. 16. *Be it further enacted*, That whenever, in the construction of said road or roads, it shall be necessary to cross or intersect any established road, or way, it shall be the duty of the said Board of Directors of said Company so to construct said road across such established road or way, as not to impede the passage or transportation of persons or property along the same; or when it shall be necessary to pass through the land of any individual, it shall, also, be their duty to provide for such individual, proper wagon way across said road or roads, from one part of his land to the other.

Where other roads are crossed they are not to be obstructed

Sec. 17. *Be it further enacted*, That if the said Company shall neglect to provide proper wagon ways across said road, as required by the sixteenth section of this act, it shall be lawful for any individual to sue said Company, and be entitled to such damages as a jury may think him or her entitled to for such neglect or refusal on the part of the said Company.

May be sued for not providing wagon ways across said road

Sec. 18. *Be it further enacted*, That in all cases where the said Company shall require the temporary occupancy of

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May take materials to make said road upon paying value.

land, or shall require the use of earth, stone, or other materials, in the construction of said road, a jury shall be summoned, as hereinbefore prescribed, and said jury shall be charged to ascertain the value of such temporary occupancy of the land, or the value of such materials; and upon a verdict being rendered, the said Company, upon tendering the amount thereof, shall have the right of possession of such land, for the time prescribed in the verdict, and the materials so by the jury valued; and the defendant shall have the right of receiving the amount so tendered, or awaiting the decision of the Circuit Court, as hereinbefore provided for; and the inquest of the jury, after confirmation, and after payment or tender of the valuation, shall be a bar to all actions for taking or using such property, whether commenced before or after such confirmation or the payment of said valuation.

May contract with other companies for the use of road or bridge.

SEC. 19. *Be it further enacted*, That if it shall be necessary for the said Lexington and Frankfort Railroad Company, in the selection of the route, or construction of the road, by them to be laid out and constructed, or any part of it, to connect the same with, or to use any turnpike road, or bridge, made or erected by any company or persons, incorporated or authorized by any law of this State, it shall be lawful for the said Board of Directors, and they are hereby authorized to contract and agree with any such other corporation, or persons, for the right to use any such road or bridge, or for the transfer of any of the corporate or other rights or privileges of such corporation or persons, to the said Company hereby incorporated; and every such other corporation, and persons incorporated by or acting under any law of this State, is hereby authorized to make such agreement, contract, or transfer, by and through the agency of the persons authorized, by their respective acts of incorporation to exercise their corporate powers, or by such persons as, by any law of this State, are entrusted with the direction and management of such turnpike road or bridge, or of any of the rights or privileges aforesaid; and every contract, agreement, or transfer, made in pursuance of the power and authority hereby granted, when executed by the several parties, under their respective corporate seals, or otherwise legally authenticated, shall vest in the Company hereby incorporated, all such road, part of road, rights and privileges, and the rights to use and enjoy the same, as fully, to all intents and purposes, as they now are or might be used and exercised by the said corporations, or persons, in whom the same are now vested.

May purchase carriages, &c. for transportation

SEC. 20. *Be it further enacted*, That the said Board of Directors shall have power to purchase, with the funds of said Company, and place on any Railroad constructed by them, under this act, all machines, wagons, vehicles, or carriages, of any description whatsoever, which they may

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Rates of toll,
transportation,
&c.

deem necessary or proper for the purposes of transportation on said road, and that they shall have power to charge for tolls, and the transportation of persons, goods, produce, merchandise, and property of any kind whatsoever, transported by them along said Railway between Lexington and the Kentucky river, any sum not exceeding the following rates, to-wit: for transporting, any distance, single packages, weighing less than one hundred pounds, twenty-five cents; and at that rate, if such packages weigh more than one hundred pounds; for transporting goods, produce, merchandise, or property of any kind, not less than three and a half mills, nor more than four mills, per hundred pounds weight, per mile; for transporting passengers, not less than three and a half cents per mile, nor more than four cents per mile for each passenger, with his baggage, not weighing more than forty pounds; except upon the article of coal, upon which there shall be charged not less than three cents on the bushel; but the charge on coal, shall at no time be fixed at a rate which will not yield a profit on its transportation. Live stock, poultry, and furniture; also, feathers, wool, rags, and other light bulky articles, weighing not more than sixty-five pounds to the cubic foot; also, silver and gold, bullion, money of all descriptions, and mails, are excepted from the rates herein established; and the Board of Directors, or their agents, shall be and they are hereby authorized to contract specially for their transportation, upon such terms as the parties interested may agree upon: *Provided*, such rates shall in no case exceed fifteen per cent. over the rates allowed to be charged for heavy merchandise or produce, except for gold, silver, bullion, money of all kinds, and nails. The said Board of Directors, and their agents, may charge for receiving, forwarding, and storing such articles and packages as may be consigned to them, or deposited in their warehouses, or with their agents, for safe-keeping, or to be forwarded; and they may establish, by their by-laws, rates of storage, and other fees, for such services. But they shall make no rule or regulation, giving any preference in transportation of goods or other articles sent from other houses, stores, or places; nor shall they make any difference in the rates of charges on goods, or other property, consigned to other persons for transportation on said road: but shall, in all things, receive and receipt for goods and property of every kind consigned to other persons, on the same terms as if consigned to themselves. It shall not be lawful for any other company, or any person or persons whatsoever, to travel upon or use any of the roads of said Company, or to transport persons, or merchandise, or property of any description whatsoever, along said roads, or any of them, without the license or permission of the Board of Directors of said Company; and that the said road or roads, with all their works, improvements, and

Shall not give
preferences in
relation to trans-
portation, &c.

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profits, and all the machinery of transportation used on said roads, are hereby vested in said Company incorporated by this act, and their successors, forever. They may commence the business of transportation on their Railroad when any part thereof is completed.

May subscribe
for stock in other
companies.

SEC. 21. *Be it further enacted*, That the Board of Directors of the Lexington and Frankfort Railroad Company, a majority of the whole Board consenting, shall be and they are hereby authorized to subscribe, in their corporate capacity, for stock in any Turnpike or Railroad Company, whose road may connect with that made by this Company, upon the same conditions, and with the same privileges, that is given to other stockholders, and to pay for the same out of the joint or common funds of this Company: *Provided*, that no subscription for stock of the profits arising to the State, shall be made in any Railroad or Turnpike, unless previously consented to by the Legislature.

No stock to be
taken for State
in other compa-
nies.

Shall make
dividends.

SEC. 22. *Be it further enacted*, That the said Board of Directors shall, annually, or semi-annually, declare and make such dividend as they may deem proper, of the nett profits arising from the resources of the said Company, after deducting the necessary current and probable contingent expenses, and that they shall divide the same amongst the stockholders of said Company, in proportion to their respective shares.

Penalty for in-
juring said road

SEC. 23. *Be it further enacted*, That if any person or persons shall wilfully, by any means whatsoever, injure, impair, or destroy, any part of any Railroad constructed for said Company, under this act, or any of the necessary works, buildings, carriages, vehicles, or machinery, of said Company, such person or persons, so offending, shall, each of them, for every such offence, forfeit and pay the said Company a sum equal to the value of the property destroyed or injured, which may be recovered in the name of the said Company, by an action of debt, in the Circuit Court of the county wherein the offence shall be committed, and shall, also, be subject to indictment in said Court; and upon conviction of such offence, shall be punished by imprisonment, not less than six months nor more than four years, in the discretion of the jury. And if any person shall ride on said Railroad, or its embankments, or drive thereon any wagon, cart, or other vehicle, or any live stock, without the assent of said Company, or their agents, he shall be liable to be prosecuted, in the name of the Commonwealth, before any Justice of the Peace of the county where the offence shall be committed, and, if a free person, fined not less than five dollars nor more than five pounds, besides costs, and if a slave, punished with stripes, not exceeding twenty; but nothing herein contained shall be construed to exempt the offender from being prosecuted, by indictment or presentment, as provided for in the foregoing part of this section,

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if the Company or its officers shall elect to do so; nor to prevent the recovery, by the Company, of the value of the property destroyed or injured, as therein provided; nor shall any thing herein contained prevent persons from traveling on or using such highways as shall be crossed by said Railroad, or from crossing the said road at all points in any town or city through which it may pass.

Sec. 24. *Be it further enacted*, That whenever the Governor shall subscribe, on behalf of the Commonwealth, for fifteen hundred shares of the capital stock of said Company, as provided in the second section of this act, all the property, immunities, and privileges, which the Commonwealth of Kentucky now claims, holds, or is entitled to, or shall then claim, hold, or be entitled to, in the Railroad made by the Lexington and Ohio Railroad Company, between Lexington and St. Clair street, in the town of Frankfort, together with all the right or title which the said Commonwealth has, or shall then have, either at law or in equity, in and to the right of way, land, in fee or for less interest, improvements, appurtenances, easements, lots, depots, warehouses, workshops, and other buildings, fixtures, machinery, engines, cars, and other property of every kind, now or then belonging, or attached to, or connected with, said Railroad, between Lexington and St. Clair street, in said town, whether the same belonged originally to the Lexington and Ohio Railroad Company, or shall have been acquired since this Commonwealth purchased the road, shall be and the same are hereby vested in the said Lexington and Frankfort Railroad Company, and assigned, transferred, and released unto them in full and absolute ownership; in payment and complete discharge of all liability of this Commonwealth, for or on account of the fifteen hundred shares of the capital stock of said Company, herein directed to be subscribed for by the Governor; saving and reserving, however, all the rights of the present lessees of said road, and the right of the Commonwealth of Kentucky to all the rents and issues to accrue therefrom under the present lease, and to all her remedies for the collection thereof.

Sec. 25. *Be it further enacted*, That the said Lexington and Frankfort Railroad Company, as soon as the Board of Directors shall think fit, after said subscription to their capital stock shall be made on behalf of the Commonwealth, as herein provided, and after the 13th day of March, 1849, may contract with the present lessees for the immediate possession of the property transferred to them, as provided in the foregoing section; and in case they shall obtain possession before the expiration of the present lease, the said lessees shall be thenceforward released from all liability for rent to accrue from the time such possession shall be obtained; and the said rent shall, from the time such possession is obtained under the provisions of this sec-

When Gov. subscribes for State's stock the title of State in present road to vest in this company.

Rights of lessees reserved.

President and Directors may contract with lessees for use of present road, &c

Lessees released from rent.

Company to pay rent to the State.

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Shall proceed,
without delay,
to make road.

tion, until the expiration of said lease, be paid by said company out of the profits of said road, or if said profits shall be found insufficient, then two-thirds of any deficiency of said rent shall be paid by the individual stockholders of the company; and whenever they can obtain possession thereof, from the said lessees, they shall proceed to use said road for the transportation of freight and passengers under the provisions of this charter, but shall, at the same time, if practicable, proceed with all reasonable despatch, to construct said road, and put it in perfect order; and in constructing said Railroad, no iron rail of less than fifty pounds, per lineal yard of rail, shall be laid down, except for turnouts or sideling tracks; and all such portions of the property and rights transferred to and vested in said Company, according to the provisions of the foregoing section, as they may not wish to use or apply directly, in carrying out the objects of this charter, may be sold and disposed of by the Board of Directors, on such terms as they may think fit, and the proceeds thereof applied to the general purposes of said Company.

May take and
use land for de-
pots, &c.

May extend
road to any
point in Lexing-
ton.

City Council
may subscribe
for stock.

Sec. 26. *Be it further enacted*, That the said Board of Directors of said Company may take and use, at the terminus of said road on the Kentucky river, enough land for a landing or landings on said river, of a front not exceeding in all four hundred yards, and extending back in convenient form, and to a suitable distance, for landings, depots, and other necessary uses; but this privilege is subject to the liability to make compensation therefor, according to the provisions of the fifteenth section of this act; and the said Board of Directors shall have the right to extend the said road from the present terminus of the Lexington and Ohio Railroad, in the City of Lexington, to such other point in said city, as the Mayor and Councilmen thereof may authorize; and said Mayor and Councilmen may subscribe, in the name and on behalf of said city, for any number not exceeding one thousand shares of the capital stock of said Company; and may borrow money, on the credit of said city, for that purpose; and they may raise, by special tax upon the taxable property of said city, the amounts requisite to pay the calls on said stock, on the said borrowed money and interest, (as the case may be,) or may pay the same out of the general funds of said city.

Shall be con-
nected, when
finished, with
Louisville and
Frankfort R. R.

Nett profits di-
vided between
the two compa-
nies.

Sec. 27. *Be it further enacted*, That the Frankfort and Louisville Railroad Company, and the Lexington and Frankfort Railroad Company, when said roads shall be completed, shall be run and used as a continuous road from Lexington to Louisville, and from Louisville to Lexington; and the nett profits, after such completion, shall be divided between the two companies, upon the basis of the actual cost of each of said roads to said Companies; and said Companies shall each retain their respective charters and organization,

and govern and direct their respective portions of said continuous road; and said Companies shall have the right, from time to time, by contract and agreement, to fix the rate for the transportation of merchandise and passengers, not exceeding the limits of their respective charters; and, also, as to the mode and manner of transportation, and as to the agents by which the business of said Companies shall be transacted, and all other matters necessary and proper to carry out the provisions of this section. This section of the bill shall be and is hereby enacted as an amendment to the charter of the Frankfort and Louisville Railroad Company.

Sec. 28. The State hereby reserves the right, when the said road shall be completed, to demand and coerce from said Company the same rate of tax on each one hundred dollars of stock in said road, which by law is collectable for State purposes, on each one hundred dollars worth of property; and when the nett profits of said road shall exceed six per cent. per annum on each one hundred dollars of stock, in like manner shall the State have the right to exact the same tax on each one hundred dollars of nett profits over six per cent. per annum; but the stockholders resident within the State of Kentucky, when such tax may be demanded, shall not be compelled to list such stock with the assessor of property. It shall be the duty of the President of said Company, in each year, to pay such tax into the Treasury, having first settled the amount with the Auditor. The sum so paid shall pass to the credit of the Sinking Fund. It shall also be the duty of the President to report, from time to time, the rate of tolls, and make a full, fair, and complete account of the amount received and disbursed by said Company, which shall be filed with the Auditor preceding the sitting of the Legislature, in each year.

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Rates of transportation, &c.

State reserves right to tax the stock.

May tax net profits.

Stock not to be listed by stockholders.

President to pay tax on stock

Report to be made to Auditor

Approved February 28, 1848.

CHAPTER 413.

AN ACT further regulating the docketing of Causes in the Court of Appeals.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That, hereafter, the Clerk of the Court of Appeals shall, in docketing cases pending in said Court, set all the cases from any one county together, unless, by agreement of the attorneys engaged in the causes, or of the parties themselves, a different arrangement be made.

Approved February 28, 1848.

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CHAPTER 414.

AN ACT to increase the Compensation of Grand Jurors.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Grand Jurors shall, from and after the passage of this act, receive one dollar per day, for each and every day any Grand Juror may serve under existing laws: *Provided*, that in all cases, where Grand Jurors continue in session longer than two days, their compensation shall be reduced to fifty cents per day, for every day they may continue thereafter.

Approved February 28, 1848.

CHAPTER 419.

AN ACT concerning the Banks of Kentucky.

Limitation for
sale of real es-
tate extended.

Sec. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That so much of the fifth section of the act, entitled "An act supplemental to the act establishing the Northern Bank of Kentucky," approved February 28th, 1835, and so much of the twenty-eighth section of an act, entitled "An act to establish the Bank of Kentucky," approved February 22d, 1834, as require that real estate taken in payment of debts due said Banks, shall be sold within five years, next after the estate shall have been fully acquired, and on failure, the same to be vested in the Commonwealth without office found, shall be and the same are hereby modified and changed, so as to give said Banks five years, from the 1st day of February, 1849, to make sale of any real estate, which they or either of them may now hold, and which was received in payment for debts, any thing in said recited acts to the contrary notwithstanding.

Act of 1843,
relating to N.
Bank, repealed
in part.

Sec. 2. Be it further enacted, That so much of an act, entitled "An act to amend the charters of the Banks of Kentucky," approved March 8th, 1843, as requires that two of the Directors in the Branches of the Northern Bank of Kentucky shall go out annually, shall be and the same is hereby repealed.

Approved February 28, 1848.

CHAPTER 423.

AN ACT to provide for the location and erection of the Second Kentucky Lunatic Asylum.

Sec. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the sum of fifteen thousand dollars, be and the same is hereby appropriated out of any moneys in the Treasury not otherwise appropriated, for

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the purpose of purchasing a tract of land, not exceeding four hundred acres, and erecting or building a Lunatic Asylum thereon, sufficient for the safe and comfortable keeping of at least three hundred inmates. Upon the purchase of said land, the Commissioners, hereinafter provided for, shall take a deed, with a clause of general warranty therein to the Commonwealth of Kentucky, so as to secure the title thereof, for the sole use, purpose and benefit of said Lunatic Asylum.

SEC. 2. *Be it further enacted*, That said money, hereby appropriated, shall be paid annually, not exceeding five thousand dollars each year, till the same shall be paid, unless said Commissioners can use more in the erecting of said Asylum, in each year; in that event, more of said money shall be paid, but not more than shall be necessary to purchase the site and prosecute said work. But before said Commissioners shall receive said money, or any part thereof, they shall execute bond, with good security, to be approved by the Governor of this State, in the penal sum of sixty thousand dollars, conditioned for the faithful application of said money, and the vigilant and faithful discharge of their duty as Commissioners; which bond may be sued on for any violation thereof, in any court of competent jurisdiction. Said money shall only be paid by the Treasurer upon the warrant of the Second Auditor, but who shall not issue his warrant for the same, or any part thereof, until he shall be notified by the Governor that said bond has been executed.

To be paid by annual installments.

Com'rs to give bond before receiving money.

SEC. 3. *Be it further enacted*, That said Commissioners shall make to each succeeding Legislature a true report of all sums of money to them paid, and the manner in which the same has been expended, which shall be subject to the approval or correction of said Legislature, before whom the same shall be made.

Com'rs to report to Legislature.

SEC. 4. *Be it further enacted*, Whenever said Asylum shall be ready for the reception of inmates, the Commissioners shall notify the Governor thereof, who shall issue his proclamation that said Asylum is ready for the reception of patients; and should said notice be given to the Governor when the Legislature is not in session, he shall appoint some fit person to take charge of said institution, as Superintendent thereof, until the meeting of the next General Assembly, thereafter, of this State.

Notice to be given when it is ready for patients.

Superintendent to be appointed.

SEC. 5. *Be it further enacted*, That there shall be appointed three fit and proper persons, to act as said Commissioners, by the Judge of the Circuit Court in the county where said Asylum shall be located, whose duty it shall be to purchase a site for and superintend the building of said Asylum, upon the most approved plan and dimensions for such institution; and after they shall have executed bond, as herein already provided for, and before they shall enter

Com'rs to be appointed—how and when.

Bond to be given.

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upon their duties as Commissioners, they shall, before said Circuit Judge, take an oath to faithfully discharge the duties incumbent upon them as Commissioners aforesaid.

Patients-how
received.

SEC. 6. *Be it further enacted*, That, until further regulations shall be made by law, patients shall be received into said Asylum upon the same terms and regulations as now are observed and acted upon in the present Lunatic Asylum now situated in this State, in the county of Fayette.

Com'rs to lo-
cate.

SEC. 7. *Be it further enacted*, That John McMillan, James R. Hawkins and George B. Kinhead, be and they are hereby appointed Commissioners, whose duty it shall be to locate said Lunatic Asylum, on or before the first day of July next, at some convenient and eligible point in the State, some where South of the Kentucky River; and for that purpose, the said Commissioners shall, between this and said first day of July, visit that portion of the State, South of the Kentucky River, for the purpose of ascertaining, from personal observation, the most judicious point for the location of said Asylum; and in so determining, they shall take into consideration all the advantages and conveniences of each county asking for said location, together with the value of the county or private subscription which may be made by each county, for the use and benefit of said Asylum: *Provided*, that if one or more of said Commissioners above named, shall decline or refuse to act, the Governor shall then, and in that case, appoint in his or their stead, some discreet and suitable person or persons, who will act as Commissioner or Commissioners, as aforesaid; and said Commissioners shall have power to receive any and all propositions from any counties, towns, or individuals, offering donations of land, moneys or buildings, or building materials; and all other claims, reasons, and circumstances, being equal, the location shall be made at the place where the best offers are made.

To take into
consideration a-
ny private dona-
tions.

Com'rs of su-
perintendence
when to be ap-
pointed.

SEC. 8. *Be it further enacted*, That, so soon as the above named Commissioners shall have determined upon the point of location for said Asylum, they shall so report to the Governor; whereupon, the Circuit Judge of the Circuit Court for the county in which such location has been thus made, shall appoint the three Commissioners of superintendence, as is provided by the fifth section of this act, and report to the Governor accordingly.

SEC. 9. *Be it further enacted*, That this institution shall be called and known by the name and style of the Second Kentucky Lunatic Asylum.

Approved February 28, 1848.

CHAPTER 425.

1848.

AN ACT for the benefit of the Carroll County Court.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the Carroll County Court be and they are hereby authorized to raise and affix the capitation tax of said county to any sum not exceeding one dollar and seventy five cents, for each tythe in said county.

Authorized to increase capitation tax.

SEC. 2. That the Sheriff of said county be and he is hereby authorized and required to collect the sum of three cents, *ad valorem*, upon each hundred dollars worth of property subject to taxation for State revenue; which tax he shall pay over to the County Treasurer, and take his receipt for the same, subject to the disposition of the said County Court.

To collect additional *ad valorem* tax.

SEC. 3. That the Sheriff shall execute bond, with sufficient security, to the County Court for the faithful collection and payment over of said tax, in the same manner that he is required to give bond for the collection of the State revenue.

Sheriff to give bond.

SEC. 4. This act shall be in force from its passage, and continue for three years only.

Limitation.

Approved February 28, 1848.

CHAPTER 432.

AN ACT to increase the Revenue.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That from and after the first day of January, 1849, all agents for the sale of drugs, medicines, or nostrums, belonging to persons without this Commonwealth, and sent to this State for sale, shall render an account current (upon oath) each three months to the County Court Clerk, showing the full amount of such drugs, medicines, or nostrums, sold; and said agents shall pay to said Clerk five per cent. on the full amount of said sales, which shall be accounted for by said Clerk in the same manner as Clerks are now required by law to account for other taxes received by them; and any agent, as aforesaid, failing to comply with the requisitions of this act, shall be subject to a fine of fifty dollars, recoverable in the Circuit Court upon motion of the Commonwealth's Attorney, or by the presentment or indictment of the Grand Jury of said county.

Agents for sale of drugs, &c., for persons out of State, to render accounts & pay tax.

SEC. 2. That all pedlars and itinerent venders of pills, medicines and nostrums, within this Commonwealth, shall be required to take out license in the several counties of this State as other pedlars of merchandize now are required by law.

Pedlars and itinerent venders of drugs required to take out license.

Approved February 28, 1848.

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CHAPTER 445.

AN ACT for the benefit of the Kentucky Institution for the Education of the Blind.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the sum of five thousand dollars be and the same is hereby appropriated to the Kentucky Institution for the Education of the Blind, to be paid to the order of the President of the Board of Visitors of said Institution, a portion of which sum shall be applied to the payment of the ordinary current expenses of the Institution, and the balance to the purchase of additional land, an organ, pianos, and the erection of a suitable workshop for the use of the blind pupils.

Approved February 26, 1848.

CHAPTER 448.

AN ACT to provide for the running and marking the dividing lines between the counties of Russell, Casey and Pulaski.

WHEREAS, it is represented to the present General Assembly, that the lines dividing the counties of Russell, Casey and Pulaski, have never been run and marked, and in some places it is uncertain which county certain individuals live in. Therefore,

Rowe and Allen to run line.

When to meet and where to begin.

What to be governed by.

Chain carriers and Marker to be employed.

Surveyor, &c., to take oath.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall be the duty of Hiram Rowe, Surveyor of Russell county, and James Allen, Surveyor of Casey county, to meet on the first Monday in April next, at a point on Green river, corner to the counties of Casey, Russell and Adair, and proceed to run and mark said county line, commencing at said corner, running from thence the line between Russell and Casey, until they come to the intersection of the Pulaski line; thence running the line between Russell and Pulaski to the Wayne county line, near John Dackry's.

SEC. 2. That said Surveyors, in running and marking said lines, shall be governed by the several acts of Assembly establishing the boundary of said counties, and shall run and mark said lines and corners in accordance therewith.

SEC. 3. That it shall be lawful for said Surveyors to employ two chain carriers and a marker, to run and mark said lines as run by them; and said Surveyors, chain carriers, and marker, before they enter on the duties prescribed by this act, shall take an oath to run and mark said lines fairly and impartially between the said counties, according to the provisions of this act; which oath shall be administered by some Justice of one of said counties.

SEC. 4. That it shall be the duty of said Surveyors to make out three fair plats, with proper references, in a re-

port accompanying the same, one of which shall be recorded in each of the respective County Court Clerk's offices; and said Surveyors are hereby required to make returns accordingly.

Sec. 5. That said Surveyors shall receive two dollars each per day, and the chain carriers and marker one dollar per day, each, for their respective services, under the provisions of this act; one third to be levied by each of said counties of Pulaski, Casey and Russell; and in case it should happen, that said Surveyors do not meet on the day named in this act, it shall be their duty to meet on some other day to be fixed by themselves, for the purpose of carrying into effect the provisions of this act; and when said lines are run and marked according to the provisions of this act, it shall be the county line between said counties.

Pay of Surveyors, &c.

Surveyors to fix time of meeting.

Approved February 28, 1848.

CHAPTER 449.

AN ACT for the benefit of the Cumberland County Court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be the duty of the Judge of the Cumberland Circuit Court, at the Spring term, to enquire whether the jail in the said county of Cumberland is such a safe building as the law requires to be erected by the County Courts; and if, in his opinion, said jail is such a building, then said court shall allow the guard summoned to guard said jail, the amount allowed by law while Joseph H. Coleman was confined therein; and said allowance shall be paid out of the Public Treasury, as other allowances are paid.

Approved February 28, 1848.

CHAPTER 450.

AN ACT to amend the Charter of the Frankfort and Louisville Railroad Company.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That if the improvements that are to be valued by Commissioners, under the 52d section of the act to which this is an amendment, shall be on lands to which the Lexington and Ohio Railroad Company had not acquired the right of way, and the owner or owners thereof shall refuse to surrender the right of way to the President and Directors of the Frankfort and Louisville Railroad Company, said President and Directors of the Frankfort and Louisville Railroad Company may acquire the right of way as directed by the 39th section of the act to which this is an amendment; and if the damages agreed upon, or assessed,

How to proceed if improvements run on lands not acquired by Company, and owners shall refuse to surrender.

Mode of proceeding to acquire same as in 39th section of original charter.

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Company how
charged in re-
gard to dama-
ges.

Charter of the
Lex. & O. R. R.
Com. revived,
with certain ex-
ceptions, and
made applicable

Proviso,

Payments to
bear interest at
rate 6 per cent.
until dividends
made.

Certificates of
stock to be issued
to persons en-
titled.

May take obli-
gations of sub-
scribers for defi-
cient install-
ments.

Proviso.

President and
Directors may
contract for the
whole or part of
work, &c., on
time.

May borrow
money.

May execute
bond of Compa-
ny to secure
debts.

Preamble.

shall exceed, or be equal to the value of the improvements, then said Company shall not be charged with the improvement, as said Company shall not have acquired the right of way: if the damages agreed upon, or assessed, be less than the improvements, then the excess only shall be charged to the Company, and included in their bond to the State.

SEC. 2. All the rights, privileges, and restrictions, of the Lexington and Ohio Railroad Company, as they existed under the charter of said Company, from St. Clair street, in the town of Frankfort, to the city of Louisville, except so far as they conflict with the charter of the Frankfort and Louisville Railroad Company, shall be and they are hereby revived and continued in full force, and transferred and conveyed, together with all the fee and right of way acquired and held by said Company, to the President and Directors of the Frankfort and Louisville Railroad Company: *Provided*, that this section shall not prohibit, or interfere in any way with, the right of the State of Kentucky, or her lessees, to extend the Railroad now in use, or any other she may, by law, construct from Lexington to Frankfort, through Broadway street, in the town of Frankfort, to the Kentucky river, or in any manner interfere with the rights and privileges granted by the State of Kentucky to the present lessees of the Lexington and Ohio Railroad, unless the written consent of said lessees shall be first obtained.

SEC. 3. All payments made, and to be made, on the stock of said Company, shall bear interest at the rate of six per cent., per annum, until a dividend shall be made; and the President and Directors are authorized and required to issue, to the persons entitled, certificates of stock for all such interest, in addition to the shares subscribed or held by them.

SEC. 4. The President and Directors of said Company shall have the right to take the obligations of the subscribers of stock in said Company, for deficient installments, and raise money by discount of such notes: *Provided*, that said Company shall not issue certificates of stock until the same shall be paid for.

SEC. 5. It shall be lawful for the President and Directors of the Frankfort and Louisville Railroad Company to contract for the whole, or any part of the work and materials toward, and for the construction of said road, on time, and to borrow money on time, to pay for the work and materials for said road, and to secure any and all such debts by the bond and obligation of said Company, and to execute a mortgage or mortgages upon said road, or any or all the property of the same.

SEC. 6. Whereas, the city of Louisville has, under the provisions of the charter of said Company, subscribed stock to the amount of \$500,000: the said Company and the citizens of Louisville have petitioned, and at a public meeting of the citizens, passed resolutions in favor of raising said

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subscription of \$500,000 by a tax on the real and personal estate of the city, collectable in four years: *Be it further enacted*, That it shall be lawful for the Mayor and Council of the City of Louisville, and they are hereby vested with full power and authority to cause the real and personal estate, within the city, to be assessed, annually, for four years, at a fair cash value, and to levy and collect, a tax of one per cent. on such valuations, for each of the four years, as taxes of the city are now collected, and apply said tax, as collected, to the payment of said \$500,000 of stock in said Company; and each and every person, who pays any part of said tax, shall be entitled to his *pro rata* share of said stock, and shall be entitled to demand and receive a certificate, so soon as he shall have paid for a full, a half, or a quarter share, or shall produce transfers from those who have paid portions, so as to entitle him to a full, a half, or a quarter share.

Sec. 7. The Mayor and Council shall have the right to have the annual assessments of the real and personal estate of the city made, for the purpose of this tax, and to appoint separate Collectors for this tax, who they shall require to pay the tax, as collected, to the President and Directors of said road, and to report to them, from time to time, the amount of said tax collected.

Sec. 8. In making the assessments for this Railroad tax, the real estate and slaves shall be assessed; and each person shall give in, on oath, what he is worth, over and above his real estate and slaves, after the payment of his debts; and if any person shall refuse to give a statement, on oath, as above required, the Assessor shall make an estimate, and return of the same, according to the best information he can obtain: *Provided*, that instead of any merchant being required to state, on oath, what he is worth, after the payment of his debts, including his merchandise, as above, he may give in the amount of his merchandise on hand on the 1st April, in each year, in addition to his real estate and slaves, and give a statement, on oath, of all he is worth, over and above his real estate, and slaves, and merchandise, on the 1st April, in each year, after the payment of his debts.

Sec. 9. The 53d section of the act to which this is an amendment, shall be and the same is hereby so amended that the weight of the iron, per lineal yard, to be used in the construction of said road, shall be within the discretion of the President and Directors of said Company.

Sec. 10. The 57th section of said act be and the same is hereby so amended that said Company shall not be compelled to pay the tax, provided in said section, until the road shall be completed from Frankfort to Louisville: *Provided*, that, if any part of said road be used for any other purpose than for carrying materials for its completion, the tax shall then be paid upon such part, *pro rata*, as shall be used; and,

Mayor and Council to cause real and personal estate to be assessed. annually, for 4 years, and levy & collect a tax of one per cent.—& tax how applied.

Persons paying tax entitled to *pro rata* share of stock, & may demand a certificate.

Mayor, &c., may have an assessment made, and appoint separate Collectors; Their duty.

Manner of assessment.

Assessor to make estimates upon persons refusing to give in.

Proviso.

53d sec. of the original charter amended as to iron to be used.

Tax in 57th section not to be paid until road completed from Frankfort to Louisville. Proviso.

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hereafter, the annual election shall be had on the 1st Monday in June, in each year.

Depot—where
established.

Sec. 11. The Company shall establish a depot at or near the Kentucky river, at the point where said road crosses the river, and none elsewhere in the town of Frankfort.

Tax increased
if profits exceed
6 per cent.

Sec. 12. The rate of tax on each one hundred dollars of stock in said Company, shall be at the same rate fixed by law on each one hundred dollars of taxable property for the public revenue; and the tax shall be paid by the President and Directors into the Treasury, on or before the 1st day of December, in each year; and when the nett profits of the stock in said road shall exceed six per centum, per annum, on each one hundred dollars of stock, the Commonwealth reserves the right to put the same rate of tax on each one hundred dollars of such excess of nett profits, and cause the same to be paid into the Treasury, each year, in like manner; but the stockholders, resident within the State of Kentucky, shall not be compelled to list such stock with the assessor of property.

Approved February 29, 1848.

CHAPTER 453.

AN ACT concerning Guardians.

Duty of Coun-
ty Court.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That, in order to secure the filing of inventories of their ward's estates by guardians, it shall be the duty of each County Court Clerk in this Commonwealth, to lay before his court, at the first term held after the first day of April next, and annually thereafter, a list of the guardians whose appointments have continued one year, and who have failed to file an inventory of their ward's estates; and it shall be the duty of the court to issue a summons against all such delinquent guardians, to show cause why they have not filed an inventory of their ward's estates; and upon the return of the summons executed, the court shall have the right to require an inventory to be filed in every case of failure, or to take such steps, under the laws now in force, as they shall think necessary to the safety of said estates.

Further duty
of Court.

Sec. 2. That at the first term of each of said courts, held after the said first day of April next, and annually thereafter, it shall be the duty of each court to enquire as to the solvency of the sureties in each guardian's bond filed in said court; and, if it shall appear to the satisfaction of the court, that such sureties are not solvent, or are in doubtful circumstances, it shall be the duty of the court to issue a summons to the guardian, to show cause why he should not give additional security; and, upon the return of such summons executed, if it shall seem to the court necessary to the safe-

ty of the ward, the court shall require additional security, and, upon failure to give it, shall remove said guardian and appoint another, or take such other steps as shall be necessary to the safety of the estate.

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Approved February 29, 1848.

CHAPTER 467.

AN ACT fixing the time of holding the May and November Terms of the Christian County Court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the County Court of Christian shall be holden on the first Mondays in May and November, as heretofore, and not on the last Mondays in April and October, as provided for by an act passed at the present session of the General Assembly.

Approved February 29, 1848.

CHAPTER 474.

AN ACT to authorize suit to be brought by the County of Marshall against the County of Calloway.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be lawful for the Justices of Marshall county, in their name, for the use and benefit of said county, to file a bill in chancery against the county of Calloway, in which the Justices of the said county of Calloway shall be made parties; and upon process being served on said Justices, it shall be deemed and held to be a service on the county of Calloway, which said bill may be filed in the counties of Calloway or Graves. In said bill, the claim which the county of Marshall has in and to any real estate, held or claimed by the said county of Calloway, before the formation of the county of Marshall, shall be set forth. The bill may be answered in the name of the Justices of Calloway; and if, upon hearing, the Court shall be of opinion, that the County of Marshall has right, in equity or law, to any real estate held as aforesaid, they shall render a decree of partition, allotting to each their equitable proportions, and appoint a Commissioner or Commissioners to divide and allot the same. Upon the coming in of the report, and no exceptions taken, or if taken, shall be overruled, the Court shall give day to said Justices to execute deeds of release in the name, and for and on behalf of their respective counties, to be held by the Justices, and their successors in office, for the use and purposes contemplated in the original grant or acquisition of the land. The deed shall be admitted to record in the county in which the lands lie, or the greater part thereof; and they, or a copy from

Marshall C'ty
Court may file
bill, &c.

Parties, &c.

Contents of
bills.

How answer-
ed.
Court may de-
cree.

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the record, shall be evidence of title in said Justices, who may, and their successors, sell and convey said lands for the purposes and uses aforesaid.

Approved February 29, 1848.

CHAPTER 477.

AN ACT appropriating six hundred dollars to improve the navigation of the South Fork of the Kentucky river at and near the Narrows.

Appropriation: SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That six hundred dollars be and are hereby appropriated to improve the navigation of the South Fork of the Kentucky river at and near the Narrows in said stream; said sum to be expended under the direction of Job Allen, James White, and George W. Gregory, who are hereby appointed Commissioners for that purpose, and to be paid out of any money in the Treasury not otherwise appropriated.

Duty of Com'rs. SEC. 2. That said Commissioners, or a majority of them, shall give bond, with good security, to the Commonwealth of Kentucky, in the penal sum of twelve hundred dollars, to be approved by the County Court of Clay county; which bond shall be conditioned for the faithful application of said moneys appropriated, for the purposes in this act mentioned; and on the certificate of the Clerk of the County Court aforesaid, that said bond had been given and filed in his office, the Second Auditor shall issue his warrant on the Treasurer for said money in favor of said Commissioners.

Approved February 29, 1848.

CHAPTER 482.

AN ACT to fix the ratio and apportion the Representation in the Senate and House of Representatives, for the ensuing four years.

Ratio for Representatives. SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the ratio, for the ensuing four years, shall be thirteen hundred and seventy-three votes for each Representative; and the representation for that period shall be and the same is hereby apportioned among the several counties of this Commonwealth, for the House of Representatives, in the following manner, to-wit: The county of Adair shall be entitled to one Representative; Allen one; Anderson one; Boyle one; Bracken one; Breathitt and Morgan one; Bourbon two; Bullitt one; Barren two; Breckinridge one; Boone one; Bath one; Ballard and McCracken one; Butler and Edmonson one; Campbell one; Caldwell one; Christian two; Clarke one; Carroll and Gallatin one; Casey one; Perry, Letcher and Clay one; Cumberland and Clinton one; Carter and Law-

Counties, and No. of Representatives.

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rence one; Crittenden one; Calloway and Marshall one; Daviess one; Estill and Owsley one; Floyd, Pike and Johnson one; Franklin one; Fayette two; Fleming two; Graves one; Greenup one; Grant one; Garrard one; Green one; Grayson one; Hopkins one; Hickman and Fulton one; Henderson one; Hardin two; Henry one; Knox and Harlan one; Hart one; Harrison two; Jefferson two; Jessamine one; Kenton one; Louisville City three; Larue one; Rockcastle and Laurel one; Lincoln one; Lewis one; Logan two; Livingston one; Muhlenburg one; Madison two; Montgomery one; Mercer one; Marion one; Meade one; Monroe one; Mason two; Nicholas one; Nelson two; Owen one; Oldham one; Hancock and Ohio one; Pulaski one; Pendleton one; Russell one; Simpson one; Shelby two; Scott one; Spencer one; Trimble one; Todd one; Trigg one; Taylor one; Union one; Woodford one; Wayne one; Warren one; Whitley one; and Washington one.

Senatorial
Districts.

Sac. 2. That for the purpose of apportioning the representation in the Senate, this State is hereby laid off into thirty-eight Senatorial Districts, as follows, viz: The counties of Hickman, Ballard, Graves and Fulton, shall compose the first Senatorial District; Union, Hopkins and Crittenden the second; Christian and Todd the third; Logan and Simpson the fourth; Daviess and Henderson the fifth; Warren, Allen and Edmonson the sixth; Barren and Monroe the seventh; Green, Hart and Taylor the eighth; Clinton, Cumberland, Wayne and Russell the ninth; Casey, Adair and Boyle the tenth; Livingston, Caldwell and McCracken the eleventh; Breckinridge, Grayson and Hancock the twelfth; Ohio, Muhlenburg and Butler the thirteenth; Hardin and Meade the fourteenth; Louisville City and Jefferson county the fifteenth; Trimble, Oldham and Henry the sixteenth; Shelby and Franklin the seventeenth; Nelson and Larue the eighteenth; Marion and Washington the nineteenth; Mercer and Anderson the twentieth; Calloway, Trigg and Marshall the twenty-first; Lincoln and Pulaski the twenty-second; Madison and Garrard the twenty-third; Laurel, Whitley, Knox and Rockcastle the twenty-fourth; Gallatin, Carroll and Boone the twenty-fifth; Kenton and Campbell the twenty-sixth; Bourbon and Scott the twenty-seventh; Grant, Pendleton and Owen the twenty-eighth; Harrison and Bracken the twenty-ninth; Bullitt and Spencer the thirtieth; Fayette the thirty-first; Woodford and Jessamine the thirty-second; Clarke and Montgomery the thirty-third; Carter, Greenup, Lawrence and Johnson the thirty-fourth; Fleming and Lewis the thirty-fifth; Mason and Nicholas the thirty-sixth; Morgan, Bath, Pike and Floyd the thirty-seventh; and Clay, Breathitt, Letcher, Perry, Harlan, Owsley and Estill the thirty-eighth.

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Sheriffs, where
to compare the
polls.

SEC. 3. That in order to ascertain the state of the polls, where two or more counties compose a Senatorial District, or two or more counties are attached to elect a Representative, the Sheriffs of such counties shall meet at the courthouse of the county first named, to compare the polls, on the first Monday next after the commencement of the election; and after having ascertained, by faithful comparison and addition, the number of their respective polls, shall make return of the persons elected, in the manner prescribed by law: *Provided*, that when a writ of election may be issued by the Governor, or either branch of the Legislature, an earlier day may be ordered in such writ, for comparing the polls, if it should be deemed expedient.

New counties,
how to vote.

SEC. 4. That if any new county should be established before the next enumeration and apportionment of representation, it shall be considered as part or parts of the county or counties from which it was taken, for the purpose of representation.

Approved February 29, 1848.

CHAPTER 491.

AN ACT to provide for running the Dividing Line between Bracken and Pendleton.

Com'rs appoint-
ed; their powers
and duties.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That Charles Ruddle and Lewis Myers, of Grant county, be and they are hereby appointed Commissioners to survey and mark the dividing lines between the counties of Harrison and Pendleton, and Bracken and Pendleton. They shall, on the first Monday in May next, or as soon thereafter as convenient, proceed to survey and mark the dividing lines between said counties. And said Commissioners may hear and take proof as to the original corners and lines, and they shall cause the dividing lines between said counties, when ascertained, to be run and plainly marked, and shall report to the County Courts of Harrison, Pendleton and Bracken, the calls, courses and distances of said lines, together with all the proofs which they may take upon the subject. And it shall be the duty of said County Courts, upon the presentation of said reports, to order the same to be filed and recorded; and thereafter, the lines so run and marked, shall be established as the true lines between said counties.

Chain carriers
to be employed.
Com'rs and
chain carriers to
be sworn.

SEC. 2. The Commissioners shall employ two competent persons as chain carriers, neither of whom shall be taken from either of said counties of Harrison, Bracken and Pendleton, who shall be sworn faithfully to perform their duties as such. And said Commissioners, before proceeding to the discharge of the duties enjoined on them by this act, shall go before some Justice of the Peace, and be

sworn well and truly to discharge their duties as such ; and they may, if deemed necessary by them, employ a Surveyor from any of the adjoining counties to run said lines. And said Commissioners, chain carriers and Surveyor, shall receive the following compensation for their services : The Commissioners, two dollars and fifty cents per day each ; and the chain carriers, one dollar and fifty cents per day each, while they may be necessarily engaged in said service ; and the Surveyor shall be allowed the same compensation as is allowed by law for similar services ; the cost of running the lines aforesaid, to be equally borne by said counties, and to be provided for at the next court of claims after the reception of the reports aforesaid.

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Compensation
and how paid.

Approved February 29, 1848.

CHAPTER 499.

AN ACT to amend the law regulating the taxation of Costs in Appeal Cases.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That in all appeals, taken by defendants from judgments of Justices of the Peace to the Circuit and County Courts, if the defendant or defendants shall, before taking the appeal from any judgment, tender to the plaintiff or his attorney or agent, the amount which is contended to be due by the defendant, and such sum so tendered is not accepted, and if it turns out on the trial of such appeal, that the plaintiff does not succeed for a greater amount than the sum tendered, then the court rendering the judgment shall give judgment for the cost of the appeal in favor of the defendant : *Provided*, the sum tendered is less than the original judgment.

Approved February 29, 1848.

CHAPTER 502.

AN ACT to allow special terms of the Cumberland, Floyd and Pendleton Circuit Courts, and for other purposes.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That it shall be the duty of the Judge of the Cumberland Circuit Court, to hold a special term of said Court, for the preparation and trial of criminal, penal, common law, and chancery causes, commencing on the second Monday in July next, and continue twelve juridical days, if the business of the Court requires it.

Special Term
to Cumberland.

SEC. 2. That the Judge of the Floyd Circuit Court shall hold a special term of said Court, commencing on the same day and for the same purposes, stated in the first section of this act, and shall continue six juridical days, if the business shall require it.

To Floyd.

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Term to Pendleton.

Sec. 3. That an additional term shall be and is hereby allowed to the Pendleton Circuit Court, which shall commence on the fourth Monday in June, in every year, and shall continue six juridical days, if the business of the Court shall require it.

Meade Chancery Term.

Sec. 4. That the Judge shall not, hereafter, be compelled to hold the August Chancery term of the Meade Circuit Court.

Approved February 29, 1848.

CHAPTER 510.

AN ACT to provide for the sale of Island No. 4, in the Mississippi River.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it may be lawful for the Receiver of Public Moneys for the land district west of the Tennessee River, to sell at public sale, to the highest bidder, in the town of Columbus, Island No. 4, in the Mississippi River, giving three months notice of the time of making said sale, in the towns of Columbus, Clinton and Blandville. Should there be any improvement upon said island, if the owner of the same should not purchase said island, three disinterested persons shall be appointed by said Receiver to assess and value the same, which shall be paid to the owner of said improvement out of the proceeds of said sale; the balance or overplus shall be applied in the same manner as the proceeds of other vacant lands in said land district. The Receiver shall issue his certificate to the purchaser, upon which a patent may issue as in other cases: *Provided,* that no title acquired by virtue of this act, shall prejudice any claim to said Island, legally obtained.

Approved February 29, 1848.

CHAPTER 511.

AN ACT concerning the election of Electors.

Manner of voting for Electors; time fixed.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That in accordance with the provisions of an act of the Congress of the United States, entitled, an act to establish a uniform time for holding elections for Electors of President and Vice President of the United States, in all the States of the Union, approved January 23, 1845, the qualified voters of this Commonwealth shall meet at the Court Houses and other places appointed by law for holding elections, in their respective counties, on the Tuesday next after the first Monday in November next, and on the same day in every fourth year thereafter, and

vote for as many Electors for President and Vice President of the United States as they may be entitled to vote for at the time of such election; which election shall continue one day and no more; and in all other respects the same rules and regulations shall be observed by the several Sheriffs, Clerks, Judges and Voters, as is provided by law in electing members of the General Assembly.

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Sec. 2. That in all other respects, than those provided for in the first section of this act, the same rules and regulations as prescribed in an act prescribing the mode of choosing Electors to vote for President and Vice President of the United States, approved August 19, 1840, and an act to alter the mode of comparing the polls in the election of certain officers, approved February 2, 1841.

Regulations prescribed in act prescribing the mode of electing Electors, to be observed.

Sec. 3. That any person or persons, who shall be guilty of any act or acts contrary to the laws now in force to secure and protect the right of suffrage, shall be subject to the pains and penalties denounced by the said laws.

Penalty for a violation of law to protect right of suffrage.

Sec. 4. That all laws coming within the purview of this act, and inconsistent therewith, be and they are hereby repealed.

Repealing clause.

Approved February 29, 1848.

CHAPTER 512.

AN ACT concerning the Common School System.

WHEREAS, the Board of Education owns, in State bonds, the sum of nine hundred and seventeen thousand five hundred dollars; in Bank stock, the sum of seventy three thousand five hundred dollars, making the total sum of nine hundred and ninety one thousand dollars; and it appearing from the report of Tho. S. Page, who was appointed Commissioner under an act of the General Assembly, approved February 17, 1847, to make a settlement with the Superintendent of Public Instruction, that there was due the Board of Education on the 1st day of January, 1847, in interest on said bonds, and dividends on said bank stock, the sum of two hundred and fifty nine thousand two hundred and fifty six dollars and twenty cents: and whereas, the additional interest on said bonds, and dividends on bank stock, for the year of 1847, will make about the sum of two hundred and ninety four thousand dollars, due the Board of Education on the 1st day of January, 1848. Therefore,

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the Governor of the State is hereby authorized and directed to cause a State bond to issue for the sum of two hundred and ninety four thousand dollars, payable to the Board of Education at the pleasure of the Legislature; which bond shall not be assignable; bearing interest at the rate of five per centum, per annum,

Gov. to issue bond for int. due on school fund.

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payable half yearly on the 1st day of January, and the 1st day of June, in each and every year, for the benefit of the School Fund.

Settlement to be had and bond issued for amt found due.

SEC. 2. *Be it further enacted*, That if it shall be ascertained from a settlement of the accounts between the Superintendent of Public Instruction and the Commissioners of the School Fund, that there was more or less than two hundred and ninety four thousand dollars due the Board of Education on the 1st day of January, 1848, the Governor shall issue said bond according to the provisions of the first section of this act, for the sum that shall be so ascertained to be due.

Vote to be taken upon tax of 2 cents.

SEC. 3. *Be it further enacted*, That it shall be the duty of the Sheriffs, and other officers, conducting the next annual elections for Senators and Representatives, to open a poll, and take the vote of the qualified voters of this Commonwealth upon the propriety and expediency of imposing a tax of two cents, on each one hundred dollars worth of taxable property, for the purpose of establishing more permanently a Common School System in the State.

Question to be put to voters.

SEC. 4. *Be it further enacted*, That it shall be the duty of the several Sheriffs conducting said elections, to propound distinctly to each voter the question: "Are you for or against increasing taxation for Common School purposes?" If said voter shall answer in the affirmative, it shall be the duty of the Clerk of the election to record his vote in favor of taxation for Common School purposes. If he shall answer in the negative, it shall be the duty of said Clerk to record his vote against it.

Vote to be returned to Secretary.

SEC. 5. *Be it further enacted*, That it shall be the duty of the several Sheriffs, and other returning officers, to make out a correct list of the vote required to be taken under the provisions of this act, and cause the same to be delivered to the Secretary of State; and, upon failure to do so, shall be liable to the same fines and penalties provided against a neglect of duty in an act, entitled, an act to re-take the sense of the people of this Commonwealth as to the propriety of calling a Convention.

Secretary to report to Legislature.

SEC. 6. *Be it further enacted*, That it shall be the duty of the Secretary of State, to report to the next General Assembly, within ten days after it convenes, a statement of the vote directed to be taken under the provisions of this act.

Pub. Printer to print 1,500 copies.

Sent to Clerks and delivered to Sheriffs.

SEC. 7. *Be it further enacted*, That it shall be the duty of the Public Printer to print fifteen hundred copies of this act and deliver them to the Secretary of State, whose duty it shall be to forward fifteen copies thereof to the Clerk of each County Court at the same time the public laws are distributed; and said Clerks are required by this act, to deliver said copies to the Sheriffs of their respective counties, and take a receipt therefor.

SEC. 8. *Be it further enacted*, That the provisions of this act shall not be so construed, as to conflict or interfere in any way, with the operations of the present Common School System in the State.

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Restrictions.

Approved February 29, 1848.

CHAPTER 513.

AN ACT to incorporate the New Orleans and Ohio Telegraph Company, and the People's Telegraph Company.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That Samuel F. B. Morse, of New York, Jacob Swigert and William Tanner, of Frankfort, David Thornton, of Versailles, Richard Pindell and John B. Tilford, of Lexington, Charles Talbutt, of Paris, A. M. January, of Maysville, George W. Johnston, of Shelbyville, C. M. Strader and George W. Weissinger, of Louisville, D. S. Howell, of Bardstown, Thomas J. Helm, of Glasgow, and their associates, who have acquired, or may acquire, from said Morse, the right to construct and carry on the Electro Magnetic Telegraph, by him invented and patented, through this State, on the route leading from Wheeling through Maysville, Lexington, Frankfort and Louisville, to Nashville, in Tennessee, and thence, through Jackson, Mississippi, to New Orleans, with a branch to Cincinnati, are hereby created a corporation and body politic, for the purpose of erecting and maintaining a line of said Telegraph, on the route aforesaid, and transmitting intelligence by means thereof, under the name and style of the New Orleans and Ohio Telegraph Company.

Corporators names.

Name of Company.

Capital stock.

SEC. 2. The stock of said Company shall consist of shares of fifty or one hundred dollars, as the said Company, at the time of its organization, may elect, to be issued to the original owners of the patent right, and to those who have heretofore, or may hereafter, furnish funds for the construction and improvement of said line of Telegraph, as the owners and subscribers have heretofore, or may hereafter, agree upon.

SEC. 3. The corporators aforesaid, or any one or more of them, acting under the authority of a majority of said corporators, shall be and are hereby empowered to take such steps as they may deem expedient, to procure subscriptions for the completion of said lines of Telegraph, according to existing contracts, or such as may be hereafter made; to collect the moneys subscribed, and to disburse them for purposes of construction, and perform all other acts necessary to expedite the procurement and proper application of the funds aforesaid.

Corporators may obtain subscriptions and collect money.

SEC. 4. The said corporation shall have power to build or purchase any connecting or side lines, having acquired

May build or purchase side lines.

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the right to do so from the owners of Morse's patent on said lines, and may enlarge their capital for that purpose.

May call meeting of stockholders.

SEC. 5. As soon as the line of Telegraph shall be completed and in operation from Cincinnati or Louisville to New Orleans, the said corporators shall, in conjunction with the corporators of any act or acts of incorporation which has been, or may be, passed by any State or States through which the said Telegraph shall run, by advertisement in at least one weekly paper, published in every city and town on the line, whose citizens may have subscribed and paid in two thousand dollars of stock, if any such newspaper there be, call a meeting of the subscribers and owners of the patent right, constituting the corporate body hereby created, at such place as may be most convenient for a majority of the subscribers, for the purpose of choosing a President and Board of Directors, a Secretary, and Treasurer, for the management of their affairs. Annual meetings of said corporation shall be held at such times and places as may be prescribed by the stockholders at their first meeting, and at any subsequent annual meeting; and special meetings shall be called by the President and Directors, whenever, in their opinion, the interest of the Company may require it, or when it may be demanded by persons holding one-third of the stock. Such reasonable notice shall be given of the time and place of such meetings as may be prescribed by the by-laws of the corporation. In case of the death or resignation of any Director, a majority of the Board shall have the power to elect another to fill his place.

Officers to be elected.

Annual meetings of corporators provided for.

Notice of meeting to be given.

Term of office.

SEC. 6. The President, Directors, Secretary and Treasurer shall hold their offices for one year, and until their successors shall be elected, and shall exercise such powers pertaining to the building and management of said Telegraph, not incompatible with the Constitution and laws of this State, or of the United States, as may be authorized by the by-laws of said corporation.

Stockholders shall have one vote for each share of stock, and may vote by proxy.

SEC. 7. At every election, each share shall entitle its holder to one vote, and absent stockholders may vote by agents or proxies producing written authority. In case of a tie, the election shall be decided by lot: *Provided*, that all stockholders, owning one thousand dollars of stock, or under, shall be entitled to one vote for every share, whether of fifty or one hundred dollars, and the owner of each thousand dollars over one thousand, shall be entitled to one vote, if the shares be one hundred dollars, or two votes, if the shares be fifty dollars; but no stockholder shall be allowed more than thirty votes, if the shares be one hundred dollars, or more than sixty votes, if they be fifty dollars.

Corporate powers and liabilities.

SEC. 8. The Telegraph Company, hereby incorporated, shall have power to sue and be sued, complain and defend,

in any court of law or equity having competent jurisdiction; to make and use a common seal, and the same to alter at pleasure; to purchase and hold such real and personal estate as the lawful purposes of the corporation may require, and the same to sell and convey, when no longer so required; to appoint such officers and agents as may be necessary to manage the business of the corporation, and allow them a suitable compensation; and to make by-laws, not inconsistent with the Constitution and laws of this State, or of the United States, for the management of its property, the regulation of its affairs, and the transfer of its stock.

Sec. 9. The corporation hereby created shall have power, by contract or other lawful means, to connect so much of the line of Telegraph hereinbefore described, as lies within this State, with those portions which lie out of the State, in such manner that the whole may be managed as one Company, with common profits and common responsibilities.

Sec. 10. The New Orleans and Ohio Telegraph Company shall have the power to set up their fixtures along and across any of the roads, streets or waters of this State, without its being deemed a public nuisance, or subject to be abated by any private person; the said fixtures to be so placed as not to interfere with the common use of such roads, streets, and waters, or with the convenience of any land owner, more than is unavoidable; but the said corporation shall be responsible for any damages which any person or corporation may sustain by the erection, continuance, and use, of such fixtures; and in every action brought for the recovery thereof, by the owner or possessor of any land, the damages to be awarded may, at the election of said corporation, include the damages for allowing the said fixtures permanently to continue, on payment of which damages, the right of the corporation to continue such fixtures shall be confirmed, as if granted by the parties to the suit: *Provided*, that no person or body politic shall be entitled to sue for or receive damages, as aforesaid, until the said corporation, after due notice, shall have failed or refused to remove, in reasonable time, the fixtures complained of, and such notice to any Agent or Director, shall be taken and deemed notice to the Company. And every person who shall destroy or commit a trespass upon the fixtures of said corporation, erected in pursuance of the authority hereby given, actually interrupting, or with intent to interrupt, the operations of the Telegraph, shall pay the said corporation one hundred dollars for such offence, and shall be further liable for all damages which the said corporation may suffer, in repairing the injury, and in the interruption of their business, to be recovered in an action of trespass; and in default of payment, the offender shall be

1848.

Officers, Agents, &c.

Transfer of stock.

May connect with other lines out of State.

May put up a line on any road and across any street, road or river.

Responsible for damages as other companies.

Persons suing for damages must first notify company to remove their fixtures.

Penalty for interrupting or injuring telegraph.

1848.

confined in the common jail of the county in which the trespass may have been committed, for a term not less than one month nor more than six months, at the discretion of the Court.

Company shall give despatch to communication of U. S. & State officers, in war, insurrection &c. and penalty for false information sent, &c.

SEC. 11. The said corporation shall be bound, on application of any of the officers of this State, or of the United States, acting in the event of any war, insurrection, riot, or resistance of public authority, or in the prevention or punishment of crime, or the arrest of persons charged or suspected thereof, to give to the communications of such officers immediate despatch; and if any officer, clerk, or operator of said Company, shall refuse or wittingly omit to transmit such communication, or shall designedly alter or falsify the same, for any purpose whatever, he shall be subject to fine and imprisonment, in proportion to the aggravation of the offence, upon conviction thereof before any court of competent jurisdiction. For transmitting such communications, the Company shall charge no higher price than for private communications of the same length.

Dividends of profits.

SEC. 12. Dividends of profits shall be declared as often as the President and Directors may deem it expedient; but no dividend shall be declared which shall impair the capital of said Company.

May unite their capital with the line from Baltimore and Washington to Wheeling.

SEC. 13. It shall be lawful for the stockholders of this Company, a majority of the stock assenting thereto, to unite its capital with that of a Company owning a line of Telegraph running from Baltimore or Washington City to Wheeling, thus making a continuous line of Telegraph from Baltimore or Washington, through Wheeling, Maysville, Lexington, Frankfort, Louisville, Nashville, Jackson, in Mississippi, and other intermediate points to New Orleans; and thenceforward the name and style of this corporation shall be the Western Telegraph Company.

May purchase and use improvements in Telegraphing.

SEC. 14. The Telegraph Company hereby incorporated, shall have power to purchase and use any improvement in the present system of Telegraphing, if any shall be invented or discovered.

Stock exempt from tax until dividends are declared, then taxed as other property.

SEC. 15. The stock and property of said Company, held and being in this State, shall be exempt from taxation until dividends shall be made thereon, when they shall be subject to taxation at the same rate as other like property.

Penalty for injuring wires.

SEC. 16. Any person who shall a second time destroy or injure any of the posts, wires, or other fixtures, of said corporation, so as actually to obstruct the working of any line of Telegraph belonging to said Company, shall, on conviction thereof by a court of competent jurisdiction, be punished by confinement in the Penitentiary not less than one nor more than two years.

Legislature reserves right to amend or repeal this act.

SEC. 17. The General Assembly of the Commonwealth of Kentucky hereby reserves the right of altering, amending, or abolishing, all the rights, privileges and immunities of the body politic and corporate created by this act.

Sec. 18. *Be it further enacted*, That Henry O'Reily, Geo. D. Prentice, J. J. O'Reily, T. S. Bell, of Louisville, Ky., Isaac Douglass, of Gallatin, Tennessee, Allen A. Hall and S. D. Morgan, of Nashville, Tennessee, Donald Campbell, of Florence, Alabama, Charles Doane, A. C. Bullitt, and Judge Walker, of New Orleans, and their associates, may construct and carry on an Electro Magnetic Telegraph through this State, on the route leading from Wheeling, through Maysville, Lexington, Frankfort and Louisville, to Nashville, in Tennessee, and thence through Jackson, Mississippi, or on any other route they may agree upon, to New Orleans, with a branch to Cincinnati, are hereby created a corporation and body politic, for the purpose of erecting and maintaining a line of Telegraph on the route aforesaid, or such other route as they may agree upon, and transmitting intelligence by means thereof, under the name and style of the People's Telegraph Company.

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Corporators
names.

People's Tele-
graph Company
from Maysville
to N. Orleans.

Sec. 19. The stock of said Company shall consist of shares of fifty or one hundred dollars, as the said Company, at the time of its organization, may elect, to be issued to those who have heretofore, or may hereafter, furnish funds for the construction and improvement of said line of Telegraph, as the owners and subscribers have heretofore, or may hereafter, agree upon.

Capital stock.

Sec. 20. The corporators aforesaid, or any one or more of them, acting under the authority of a majority of said corporators, shall be and are hereby empowered to take such steps as they may deem expedient, to procure subscriptions for the completion of said lines of Telegraph, according to existing contracts, or such as may be hereafter made; to collect the moneys subscribed, and to disburse them for purposes of construction, and perform all other acts necessary to expedite the procurement and proper application of the funds aforesaid.

Corporators
may obtain sub-
scriptions and
collect money.

Sec. 21. The said corporation shall have power to build or purchase any connecting or side lines, and may enlarge their capital for that purpose.

May purchase
side lines & en-
large stock.

Sec. 22. As soon as the line of Telegraph shall be completed and in operation from Cincinnati or Louisville to New Orleans, the said corporators shall, in conjunction with the corporators of any act or acts of incorporation which has been, or may be, passed by any State or States through which the said Telegraph shall run, by advertisement in at least one weekly paper, published in every city and town on the line, whose citizens may have subscribed and paid in two thousand dollars of stock, if any such newspaper there be, call a meeting of the subscribers and owners, constituting the corporate body hereby created, at such place as may be most convenient for a majority of the subscribers, for the purpose of choosing a President and Board of Directors, a Secretary, and Treasurer, for the management of

To call meet-
ing of stockhold-
ers.

Officers to be
elected.

1848.

Annual meet-
ings.

their affairs. Annual meetings of said corporation shall be held at such times and places as may be prescribed by the stockholders at their first meeting, and at any subsequent annual meeting; and special meetings shall be called by the President and Directors, whenever, in their opinion, the interest of the Company may require it, or when it may be demanded by persons holding one third of the stock. Such reasonable notice shall be given of the time and place of such meetings as may be prescribed by the by-laws of the corporation. In case of the death or resignation of any Director, a majority of the Board shall have the power to elect another to fill his place.

Notice of meet-
ings to be given.

Term of office.

SEC. 23. The President, Directors, Secretary and Treasurer shall hold their offices for one year, and until their successors shall be elected, and shall exercise such powers pertaining to the building and management of said Telegraph, not incompatible with the Constitution and laws of this State, or of the United States, as may be authorized by the by-laws of said corporation.

Each share of
stock entitled to
one vote—may
vote by proxy.

SEC. 24. At every election, each share shall entitle its holder to one vote, and absent stockholders may vote by agents or proxies producing written authority. In case of a tie, the election shall be decided by lot: *Provided*, that all stockholders, owning one thousand dollars of stock, or under, shall be entitled to one vote for every share, whether of fifty or one hundred dollars, and the owner of each thousand dollars over one thousand, shall be entitled to one vote, if the shares be one hundred dollars, or two votes if the shares be fifty dollars; but no stockholder shall be allowed more than thirty votes, if the shares be one hundred dollars, or more than sixty votes, if they be fifty dollars.

Corporate pow-
ers and liabil-
ities.

SEC. 25. The Telegraph Company, hereby incorporated, shall have power to sue and be sued, complain and defend, in any court of law or equity having competent jurisdiction; to make and use a common seal, and the same to alter at pleasure; to purchase and hold such real and personal estate as the lawful purposes of the corporation may require, and the same to sell and convey, when no longer so required; to appoint such officers and agents as may be necessary to manage the business of the corporation, and allow them a suitable compensation; and to make by-laws, not inconsistent with the Constitution and laws of this State, or of the United States, for the management of its property, the regulation of its affairs, and the transfer of its stock.

Officers, A-
gents, &c.Transfer of
stock.May connect
with other lines.

SEC. 26. The corporation hereby created shall have power, by contract or other lawful means, to connect so much of the line of Telegraph hereinbefore described, as lies within this State, with those portions which lie out of the State, in such manner that the whole may be managed as one Company, with common profits and common responsibilities.

May erect line
along & across
roads, &c.

SEC. 27. The People's Telegraph Company, hereby incorporated, shall have the power to set up their fixtures

1848.

along and across any of the roads, streets or waters of this State, without its being deemed a public nuisance, or subject to be abated by any private person; the said fixtures to be so placed as not to interfere with the common use of such roads, streets, and waters, or with the convenience of any land owner, more than is unavoidable; but the said corporation shall be responsible for any damages which any person or corporation may sustain by the erection, continuance, and use, of such fixtures; and in every action brought for the recovery thereof, by the owner or possessor of any land, the damages to be awarded may, at the election of said corporation, include the damages for allowing the said fixtures permanently to continue, on payment of which damages, the right of the corporation to continue such fixtures shall be confirmed, as if granted by the parties to the suit: *Provided*, that no person or body politic shall be entitled to sue for or receive damages, as aforesaid, until the said corporation, after due notice, shall have failed or refused to remove, in reasonable time, the fixtures complained of, and such notice to any Agent or Director shall be taken and deemed notice to the Company. And every person who shall destroy or commit a trespass upon the fixtures of said corporation, erected in pursuance of the authority hereby given, actually interrupting, or with intent to interrupt, the operations of the Telegraph, shall pay the said corporation one hundred dollars for such offence, and shall be further liable for all damages which the said corporation may suffer, in repairing the injury and in the interruption of their business, to be recovered in an action of trespass; and in default of payment, the offender shall be confined in the common jail of the county in which the trespass may have been committed, for a term not less than one month nor more than six months, at the discretion of the court.

Responsible
for damages.

Persons suing
to notify compa-
ny to remove
fixtures.

Penalty for
injuring Tele-
graph.

SEC. 28. The said corporation shall be bound, on application of any of the officers of this State, or of the United States, acting in the event of any war, insurrection, riot, or resistance of public authority, or in the prevention or punishment of crime, or the arrest of persons charged or suspected thereof, to give to the communications of such officers immediate despatch; and if any officer, clerk or operator of said Company shall refuse or wittingly omit to transmit such communication, or shall designedly alter or falsify the same, for any purpose whatever, he shall be subject to fine and imprisonment, in proportion to the aggravation of the offence, upon conviction thereof before any court of competent jurisdiction. For transmitting such communications, the Company shall charge no higher price than for private communications of the same length.

Government &
State communi-
cations to be
sent: when.

Penalty for
giving false in-
formation.

SEC. 29. Dividends of profits shall be declared as often as the President and Directors may deem it expedient; but

Dividends.

1848.

no dividend shall be declared which shall impair the capital of said Company.

May unite capital and lines with others.

SEC. 30. It shall be lawful for the stockholders of this Company, a majority of the stock assenting thereto, to unite its capital with that of a Company or Companies owning a line or lines of Telegraph in the United States or any of its Territories, the consent of said Company or Companies first being had.

May purchase and use improved modes.

SEC. 31. The Telegraph Company, hereby incorporated, shall have power to purchase and use any improvement in the present system of Telegraphing, if any shall be invented or discovered.

Exempt from tax until dividends declared.

SEC. 32. The stock and property of said Company, held and being in this State, shall be exempt from taxation until dividends shall be made thereon, when they shall be subject to taxation at the same rate as other like property.

SEC. 33. Any person who shall a second time destroy or injure any of the posts, wires, or other fixtures, of said corporation, so as actually to obstruct the working of any line of Telegraph belonging to said Company, shall, on conviction thereof by a court of competent jurisdiction, be punished by confinement in the Penitentiary not less than one year nor more than two years.

SEC. 34. The General Assembly of the Commonwealth of Kentucky hereby reserves the right of altering, amending, or abolishing, all the rights, privileges and immunities of the body politic and corporate created by this act.

Penalty for sending false information or refusing or delaying to send any message.

SEC. 35. That any agent, officer, manager, or other person, of any Telegraphic line constructed in this State, who shall be instrumental in transmitting, on or through the same, any false communication or intelligence, with intent to defraud or injure any one, or to speculate upon any article of trade or commerce, knowing the communication to be false; or if any such agent, officer, manager, or other person, shall, from corrupt or improper motives, withhold or delay the transmission of messages or intelligence, for which the customary charges have been paid or tendered, shall be deemed guilty of a misdemeanor, and shall be fined in any sum not exceeding five hundred dollars, nor less than ten dollars, upon indictment and conviction in any court of competent jurisdiction.

Not to conflict with rights of other companies.

SEC. 36. That nothing contained in the foregoing act of incorporation shall be construed to effect any right or privilege of the New Orleans and Ohio Telegraph Company, to use, construct and carry on the Electro Magnetic Telegraph, which may have been acquired by said Company, or any member thereof, from Morse; nor to effect the right of the People's Line of Telegraph, to use, construct, and carry on any system of Electro Magnetic Telegraph, or to effect the right of either of said Companies, which may have been acquired by either of them, or any individual member

of them has, as the inventor or assignee, of any inventor under the laws of the United States, or to grant to either corporation any remedy against the other, not provided by the laws of the United States: *Provided*, that the rates of charging for Telegraphing on the lines of the two Companies, hereby incorporated, shall not exceed the rates charged by the Western O'Reilly Lines.

1848.

Charges to be uniform.

Sec. 37. That in all cases, where damages shall be awarded against any agent, officer, manager, or other person, of any Telegraphic line in this State, by reason of transmitting any false communication, as aforesaid, the said Telegraphic Company shall be responsible for such damages.

Responsible for acts of their Agents.

Approved March 1, 1848.

CHAPTER 519.

AN ACT for the benefit of the Superintendent of Public Instruction.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Secretary of State is hereby authorized and required to furnish the Superintendent of Public Instruction all the Acts and Journals of the Legislature of Kentucky which have any relation to the subject of the Common School System of this State; which Acts and Journals shall be a part of the property of the said Superintendent's office, and shall go to his successor in office, and shall be returned to the State whenever said office shall be abolished.

Approved March 1, 1848.

CHAPTER 533.

AN ACT to extend the navigation of the North fork of the Kentucky River.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the navigation of the North fork of the Kentucky river be, and is hereby extended from Robert Brashears', in Perry county, to Whitesburg, in Letcher county, under the same provisions and restrictions that said North fork is declared navigable to said Brashears'.

Approved March 1, 1848.

CHAPTER 540.

AN ACT to authorize an exchange of Executive Documents.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be, and is hereby made the duty of the Secretary of State, to effect, if he can, an exchange of Ex-

1848:

executive documents with each State in the Union; to file such as he shall receive, in his office, and report them annually during the first week of the session of the General Assembly.

Approved March 1, 1848.

CHAPTER 541.

AN ACT supplemental to the act concerning the election of Electors, passed at the present session.

Persons absent from home may vote.

Proviso.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be lawful for any qualified voter in this State, who may be absent from his county at the Presidential Election, to cast his vote for Electors in the county where he may be: *Provided*, he is known to the judges, or any of the officers conducting the election at the place where he may offer to vote, as a legal voter and citizen of the State; or will prove by one or more respectable witnesses known to the officers of the election, or any one of them, that he is a resident and legal voter of the State, and will swear that he has not and will not vote at any other place for Electors at the same election, and that he did not purposely come into said county to vote; and if any person shall presume to vote at any election for Electors, in any way or manner not herein authorized, or shall swear falsely, such person shall be subject to all the pains and penalties imposed by the act, entitled, "an act the better to protect the purity of elections," for illegal voting and false swearing; and it shall be the duty of the clerk to write opposite the name of such voter, his place of residence, and that he was sworn.

Approved March 1, 1848.

CHAPTER 543.

AN ACT declaring Big Blaine Creek, in Lawrence county, navigable.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Big Blaine creek, in the county of Lawrence, be and the same is hereby declared navigable from the mouth thereof to Harvey Lester's mill dam: *Provided*, this act shall not be construed to authorize the removal of any dams now across said creek.

Approved March 1, 1848.

CHAPTER 552.

AN ACT to authorize a survey of Salt River and the Rolling and Beech Forks.

1848.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be the duty of the Board of Internal Improvement of this State, to employ and procure the services of a Civil Engineer to make a survey of Salt river and the Rolling and Beech forks thereof, with a view to ascertain how far up the said rivers there is a sufficient volume of water to supply a complete Slack Water Navigation; and also to ascertain the fall or descent in said rivers, as far as he may survey the same; to report the points necessary and most suitable for the erection of locks and dams, and the height of the several dams; and also to make estimates of the probable cost of constructing each lock and dam, suitable for the navigation of said rivers. The survey to be made at the lowest stage of water in said rivers in the year 1848; and that he report specially to the Board of Internal Improvement of this State, by the first day of December next.

Duty Board of
Int. Imp.

Approved March 1, 1848.

CHAPTER 556.

AN ACT for the benefit of the Lunatic Asylum at Lexington.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the sum of two thousand dollars be and the same is hereby appropriated to the Lunatic Asylum at Lexington, to complete the buildings now erected; also to erect a new building to connect the one lately erected, with the old one, in the rear of said buildings. The said money to be paid to the Chairman of the Board of Managers, upon his executing bond in the Clerk's Office of the Fayette County Court, with security to be approved of by said clerk, in the penalty of seven thousand dollars, conditioned for the faithful application of the same to the purpose for which it is designed.

Amount ap-
propriated, and
for what.

Money to whom
to paid, and up-
on what terms.

SEC. 2. That when any insane person, who may be a pauper, shall be found such by a writ "*de idiota inquirenda*," and it shall be necessary to provide for him or her at the expense of the State in said Asylum, it shall be the duty of the clerk of the court before whom the inquiry is made, to inform the Superintendent and Managers by written communication, of the finding of the jury; and upon being thus informed, it shall be the duty of the Superintendent and Managers to send forthwith for such insane person, and shall cause him or her to be carried safely to the Asylum, for which service the Superintendent and Managers shall be allowed compensation for expenses only; and hereafter no allowance shall be made to any person for carrying a pau-

Persons found
insane shall be
sent for by offi-
cers institute.

Compensation.

1848.

Proviso.

per to the Asylum, unless he or she be sent for by the Superintendent and Managers of the Institution: *Provided*, that if from any cause, it shall be deemed necessary by the court, that the insane pauper shall be immediately carried to the Asylum, it shall be so ordered by the court.

No purchases
to be made from
officers.

SEC. 3. That the Directors of said Asylum shall not make any purchase for the use of said Institution from any officer or Director of the same.

Parents, when
able, to support
lunatic children.

SEC. 4. That when the parent or parents of a Lunatic, whether infant or adult, is or are able to maintain his or their Lunatic child, the Lunatic of such parent or parents, shall not be received into, nor permitted to remain in the Asylum but at the charge of such parent or parents.

Approved March 1, 1848.

CHAPTER 562.

AN ACT relative to the Docket of the Franklin Circuit Court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Clerk of the Franklin Circuit Court may, for the present year, arrange his civil docket in such manner as he may deem proper.

Approved March 1, 1848.

CHAPTER 565.

AN ACT authorizing certain County Courts to appoint Commissioners of Tax at the December term, and prescribing the further duties of the Commissioners of Tax.

County Courts
to appoint Com-
missioners of Tax in
December.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall and may be lawful for any County Court of any county in this State, where the same may not be held on the first Monday in January, to appoint Commissioners of Tax for said county or counties, at the preceding December term of said courts.

Their duty.

SEC. 2. It shall be the duty of the Commissioners of Tax in each county in this Commonwealth, for the year 1849, and every year thereafter, to ascertain and report the number of free white persons that are blind, and the deaf and dumb in their respective districts.

Approved March 1, 1848.

CHAPTER 588.

AN ACT to abolish the original jurisdiction of the Appellate Court in cases of Ferries and Mills.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That so much of every act or acts

as gives the Court of Appeals power to try all matters of fact, as well as of law, in questions relating to granting ferry privileges on any water course, or to erect mills and dams on any stream in this State, on an appeal or writ of error from any County Court, shall be and the same is hereby repealed.

1848.

Original jurisdiction of Court of Appeals, in ferry and mill cases, abolished.

Sec. 2. Any person interested may prosecute an appeal or writ of error from the decision of any County Court refusing or granting a ferry; refusing or granting leave to build a mill or dam, to the Circuit Court of the county in which the decision shall be rendered; on the return of which into the Circuit Court, such court shall have full power and authority to try all matters of law and fact in controversy, and reverse or affirm the decision of the County Court, and give such judgment as shall be right and just, and award costs in the same manner, and to the same extent, that the Court of Appeals now has power to do; a writ of error in the Circuit Court may be amended as such writs may be amended in the Court of Appeals, and such cases shall be set for trial on the second day of the next term, after the process is sued out, if it be executed ten days before the commencement of the term; and the court shall make such order as shall be proper to provide a fair and speedy trial of the cause, without any strict regard to rotation with other cases on the docket: *Provided*, the aforesaid writ of error be prosecuted within the time prescribed by the act, entitled, "An act to amend the law concerning writs of error," approved February 8, 1816.

Appeals and W. E. in such cases to be prosecuted in Circuit Courts.

W. E. may be amended.

To be set for 2d day.

To be prosecuted within the time prescribed by act 1816.

Sec. 3. Either party may prosecute an appeal or writ of error from the decision of the Circuit Court to the Court of Appeals, in either of the classes of cases aforesaid, and that court shall try and determine the controversy on the law and evidence apparent on the record; and to that end any party may, by bill of exceptions, or in any mode known to the law, place on the record the evidence adduced on the trial in the Circuit Court, and the matters moved and decided in said court; and the Appellate Court shall not reverse the judgment of the inferior court, because all the persons interested in the cause were not made parties in the controversy in the court below: *Provided, however*, that nothing in this act contained, shall be so construed as to prevent a writ of error to be prosecuted in cases, where, by existing laws, a writ of error may now be prosecuted to the Appellate Court.

Appeals and W. E. to Court of Appeals allowed from decision of Circuit Court.

Exceptions to be taken, and evidence placed on record.

Proviso.

Approved March 1, 1848.

1848.

CHAPTER 592.

AN ACT for the appropriation of Money.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the following sums of money, not otherwise appropriated, be paid out of the Public Treasury to the several persons named and entitled to the same, viz:

1. To the Speakers of the Senate and House of Representatives, six dollars per day, each, during the present session.

2. To the Clerks of the Senate and House of Representatives, ten dollars per day, each, during the present session.

3. To the Sergeant-at-Arms of the Senate and House of Representatives, twenty eight dollars per week, during the present session.

4. To the Door Keepers of the Senate and House of Representatives, twenty eight dollars, per week, each, during the present session.

5. To the Clerks of the Senate and House of Representatives, sixty dollars, each, for their services after the close of the session in preparing the acts for publication, and arranging the books and papers for safe keeping.

6. To the Assistant Clerks of the Senate and House of Representatives, seven dollars per day, each, during the present session.

7. To Joseph Gray, for services of his son Archey as Assistant Sergeant-at-Arms of the House of Representatives, one dollar and fifty cents per day.

8. To the Second Auditor, nineteen hundred and fifty dollars, per annum, for Clerk hire, in lieu of the sum now allowed by law; the same to be appropriated to the use of the Clerks necessarily employed in his office, and to be appropriated only upon the approval of the Governor.

9. To Joseph Gray, twenty dollars, to be equally divided between the servants of the Senate and House of Representatives, for extra services.

10. To Theodore Kohlhas, for making index to Senate Journal, one hundred dollars.

11. To A. G. Hodges, for making index to House of Representatives Journal, one hundred dollars.

12. To the Door Keepers of the Senate and House of Representatives, for making fires, &c., during the present session, forty five dollars each.

13. To J. C. Wilkins, seventeen dollars, and to D. P. White, L. F. Chilton and Cyrus Turner, expenses incurred in visiting Louisville and Lexington as members of Bank committee, twenty-two dollars each.

14. To K. C. Gaines, member of Bank committee, sixteen dollars.

15. To L. A. Thomas, member of Bank committee, nineteen dollars.

1848.

16. To the members of the committee appointed to visit the Lunatic Asylum, five dollars each.

17. To Shackelford & Pullen, for plastering State House, three thousand three hundred and twenty one dollars five cents.

18. To B. F. Johnson, for sundries, as per account rendered, two dollars.

19. To E. H. Tole, for sundry repairs in the Senate and House of Representatives, two hundred and forty dollars.

20. To R. Knott, sundries, as per account rendered, one hundred and seven dollars sixty-six cents.

21. O. & I. Belt, sundries, as per account rendered, thirty dollars seventy five cents.

22. Massie Franklin, for work done around capital, as per account rendered, two hundred and fifty seven dollars twenty cents.

23. To S. Goins, for furnishing stone and building stone wall on west side of capital, one hundred and sixty dollars thirty-three cents.

24. To Scott & Harbeson, for lumber furnished to build scaffold for plasterers, &c., as per bill, one hundred and sixty three dollars ninety cents.

25. To H. G. Banta, for painting, &c., done in Senate Chamber and Representative's Hall, as per bill, three hundred dollars.

26. To W. N. Haldeman, for bill of printing, &c., furnished volunteers, as per account, twelve dollars twenty five cents.

27. To A. P. Cox, for furnishing wood for Senate and House of Representatives, one hundred and sixty dollars.

28. James Davidson, amount advanced by him for materials and work done in re-covering the capital, fourteen hundred and forty seven dollars forty four cents.

29. James Davidson, for money advanced for materials used in plastering State House, and expenses, &c., of committee appointed by the Legislature to settle with Shackelford and Pullen, seven hundred and thirty five dollars and five cents.

30. To Mrs. Mary Evans, for cleaning, &c., about the capital, as per account rendered, one hundred and six dollars.

31. To A. C. George, Deputy Sergeant-at-Arms of the Senate, for services rendered in summoning witnesses in the case of John A. Duff, Surveyor of Perry county, one hundred dollars.

32. Doxon & Graham, sundries, as per account rendered, thirty eight dollars forty five cents.

33. To J. & B. C. Baker, sundries, as per account rendered, seventy five dollars ninety six cents.

34. To Gray & George, for one box sperm candles furnished House of Representatives, fifteen dollars forty five cents.

1848.

35. To the Baptist Church of Frankfort, for the use of their bell during the present session, ten dollars.

36. To Hutchinson and Smithey, for laying curbing in front of public square, as per account rendered, one hundred and sixty five dollars sixty six-cents.

37. To the Chairman of the Frankfort Cemetery Company, three hundred dollars, to be expended in McAdamizing around the State mound in the Frankfort Cemetery, and in improving the same.

38. To the Lunatic Asylum, the sum of eighteen thousand five hundred dollars, payable to the Chairman of the Board of Directors, upon his executing bond in the office of the Clerk of the Fayette County Court, with security, to be approved by the Clerk, in the penalty of twenty thousand dollars, conditioned to appropriate the same to the use of said Institution.

39. To the Commissioners of the Cumberland Hospital, fifteen hundred dollars.

40. To the publishers of the Commonwealth, for the use of their daily paper during the present session, one hundred and fifty dollars.

41. To the publishers of the Yeoman and Convention newspapers, for furnishing their papers during the present session, fifty dollars each.

42. To Joseph Gray, one hundred dollars, to be divided between the Rev. Mr. Robinson, Rev. Mr. Goodman, Rev. Mr. Waterman, and Rev. Mr. Norton, for their services rendered the present Legislature.

43. To James R. Watson, for services rendered the committee on Claims, five dollars.

44. To Kentucky Penitentiary, for articles furnished Senate and House of Representatives, as per account, twelve dollars twenty cents.

45. To Mason Brown, for this sum advanced on account of the Barbour Monument, and balance of bill as rendered, three hundred and fifty dollars.

46. To John L. Helm, expenses incurred as member of Bank committee in visiting Louisville, nine dollars forty cents.

47. To G. C. Slaughter, expenses incurred as member of Bank committee, sixteen dollars.

48. To F. T. Fox, expenses, &c., as Chairman committee on Banks of Senate, twenty-two dollars.

49. To Todd & Crittenden, as per account rendered for sundries furnished Senate, thirteen dollars eighty five cents.

50. To Thomas S. Page, to have the rotunda and entrance hall of the capital furnished with gas lights, one hundred dollars.

51. To Chester C. Cole, for taking down the speech of the Rev. R. J. Breckinridge, ten dollars.

52. To Edmund H. Taylor, John J. Crittenden and Peter Dudley, committee appointed by the Governor to carry into

effect the resolution of the last General Assembly, in relation to the interment of the remains of Brevet Major P. N. Barbour, for expenses incurred by them as per report and vouchers returned, two hundred and sixty five dollars and thirty one cents.

1848.

53. To Messrs. Watson, Cronly and Casey, Clerks in the 2d Auditor's office, one hundred dollars, each, for extra services during the past year in copying vote on Convention.

54. To the Assistant Clerks of the Senate and House of Representatives, twenty dollars, each, to pay for extra assistance in enrolling bills.

55. To the Kentucky Penitentiary, for forty chairs furnished the Senate, three hundred and twenty dollars.

Sec. 2. *Be it further enacted*, That it shall be the duty of the Keeper of the Public Buildings and Grounds to have all necessary repairs done to the buildings, furniture, &c., as may be required; and it shall be his duty to make contracts, in writing, before any thing is done; and before any money shall be drawn from the Treasury, for repairs for work so done, the contract and account shall be submitted to the Governor for his approval, as now required by law; all of which shall be filed as vouchers for the Second Auditor, when he shall issue his warrant for the payment of the same.

Sec. 3. *Be it further enacted*, That the committee who shall have charge of the erection of the State Monument, for which \$15,000 were appropriated at the present session of the Legislature, shall contract for the erection of a monument, which, in no event, shall cost more than \$15,000, unless the excess shall be paid for by private munificence.

Approved March 1, 1848.

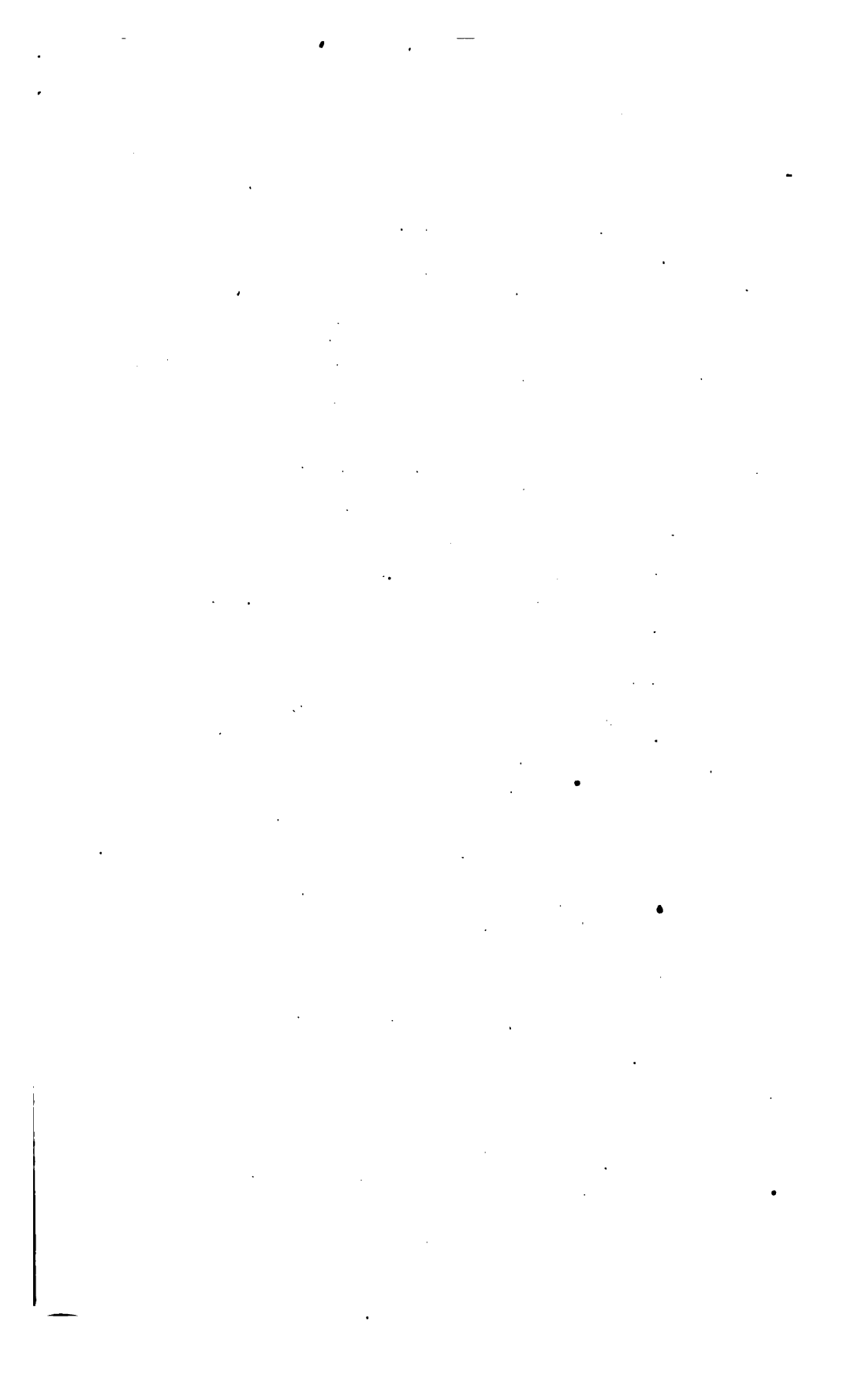
CHAPTER 593.

AN ACT for the benefit of State Historical Societies in the United States.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Secretary of State shall forward to each State Historical Society in the United States a copy of the Acts, Journals, and Public Documents published by authority of this General Assembly: *Provided*, the said State Historical Societies desire the same.

Approved March 1, 1848.

[This act was passed the session of 1846-7, and approved by the Governor, but through some omission, was not signed. It became a law, however, and the Governor directs its publication.]



LAWS OF KENTUCKY.

PASSED AT DECEMBER SESSION, 1847.

WM. OWSLEY, GOVERNOR; ARCHIBALD DIXON, LIEUT. GOVERNOR AND
SPEAKER OF THE SENATE; J. F. BUCKNER, SPEAKER OF THE HOUSE
OF REPRESENTATIVES; WM. D. REED, SECRETARY OF STATE.

LOCAL AND PRIVATE LAWS.

CHAPTER 2.

AN ACT to amend an act incorporating certain Turnpike Road Companies, approved January 29th, 1829.

1848.

WHEREAS, it is represented to the General Assembly, that great grievance is imposed on certain citizens of the counties of Fleming and Nicholas, by the location of the gates on the Maysville and Lexington Turnpike Road, in contravention of the true spirit and meaning of the charter of said company, said gates being so located, adjacent to the Blue Licks, that three tolls are collected within six miles. For remedy whereof,

Preamble

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That, from and after the passage of this act, it shall be the duty of the President and Directors of said road to distribute the gates on said road five miles apart, or as near as can be, in view of the provision in the original charter respecting towns.

Gates to be distributed five miles apart.

SEC. 2. That until such distribution of said gates be made, that but one toll shall be collectable of any citizen of the county of Fleming, residing within five miles of the line of said road, and that section of said road between Licking river and Johnson's fork, or of any citizen of the county of Nicholas, residing north of Licking river.

But one toll to be collected from citizens of Fleming and Nicholas counties, until gates are distributed.

J. F. BUCKNER,
Speaker of the House of Representatives.

ARCH'D DIXON,
Lt. Governor and Speaker of the Senate.

Approved January 1, 1848.

WM. OWSLEY,
By the Governor,
WM. D. REED, *Secretary of State.*

1848.

CHAPTER 3.

AN ACT to change the name of Nancy J. Yates to that of Nancy J. Wilson, and for other purposes.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the name of Nancy Jane Yates, infant daughter of deceased parents, be changed to that of Nancy Jane Wilson, she having been adopted by David Wilson as his daughter, and made capable of inheriting the estate of the said David Wilson in the same manner and to the same extent as if she were his legitimate daughter.

SEC. 2. That the name of Maria A. Holcomb, of Henderson county, be changed to that of Maria A. Talbott.

Approved January 12, 1848.

CHAPTER 4.

AN ACT for the benefit of the Southern College.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the trustees of the "Southern College of Kentucky," at Bowlinggreen, be and the same are hereby authorized to sell their college lots, and the edifice thereon, in said town, and appropriate the proceeds of said sale in building a new college edifice upon such site as may be selected and procured by said trustees.

SEC. 2. *Be it further enacted*, That said trustees, by an order of their Board, may and shall convey said property and estate, so sold, to the purchaser or purchasers, by deed, signed and sealed by the President of said Board.

Approved January 12, 1848.

CHAPTER 5.

AN ACT to change the name of Joel R. Allcock, and others.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That in conformity to the petition of Joel R. Allcock, a citizen of the county of Warren, the names of the said Joel R. Allcock, and Polly Allcock, his wife, be and the same are hereby changed to Joel R. Madison and Mary Jane Madison; and the names of Nancy R. Allcock, John W. M. Allcock, Mary J. A. D. Allcock, James R. Allcock, Lucretia Clay Allcock, and Joseph R. Allcock, children of said Joel R. Allcock, be and the same are hereby changed to Nancy R. Madison, John W. M. Madison, Mary J. A. Madison, James R. Madison, Lucretia Clay Madison, Joseph R. Madison.

Approved January 12, 1848.

CHAPTER 6.

1848.

AN ACT to change the name of John M. Hall.

WHEREAS, it is represented to the present General Assembly, that Nixeon Palmer, of Garrard county, is desirous that his natural son, John M. Hall, should be legitimatized, and made capable of inheriting, &c. Therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the name of said John M. Hall be changed to that of John M. Palmer, and he is hereby given and declared entitled to the same rights and privileges, and made capable of inheriting, or taking by will, gift, or otherwise, as though he had been born the son of the said Nixeon Palmer, in lawful wedlock.

Approved January 12, 1848.

CHAPTER 8.

AN ACT to enlarge the powers of the Board of Internal Improvement for Graves County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That, from and after the passage of this act, the Board of Internal Improvement for Graves county, shall have full power and authority to appropriate any moneys remaining, or that may hereafter come into the hands of the Treasurer of said Board, to the improvement of any public road or roads in said county, in the same manner, and subject to the same restrictions, as it now has to improve roads leading to and from the county seat.

Approved January 12, 1848.

CHAPTER 10.

AN ACT for the benefit of the Clerks of the Union County and Circuit Courts.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Clerks of the Union County and Circuit Courts shall have the further time of three years to issue and make distress for all fees due to them, under the laws now in force.

Approved January 12, 1848.

CHAPTER 11.

AN ACT to change the name of certain citizens of Crittenden County, and for other purposes.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the name of Francis Trimble,

1848.

of Crittenden county, be and the same is hereby changed to that of Francis Ford.

SEC. 2. That the name of Jerdenia Hawkins, be changed to that of Jerdenia Hodge; and that the name of William G. Denning be changed to that of Charles Galaway.

SEC. 3. That the name of Sarah Jane David, of Union county, be changed to that of Sarah Jane Mason.

SEC. 4. That the name of Kitty Jane Seagraves, of Allen county, be changed to that of Kitty Jane Read.

Approved January 12, 1848.

CHAPTER 12.

AN ACT to incorporate the Franklin Institute, in the town of Lancaster.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That William Greenleaf, Hugh W. McKee, Oliver P. Hill, William B. Mason, James McKee, James H. Yantis, Joseph R. Crow, Ben. E. Johnson and Pleasant M. Huffman, be and they are hereby constituted a body politic and corporate, to be known by the name and style of the Trustees of *The Franklin Institute*, and by that name shall have perpetual succession and a common seal.

SEC. 2. That, upon the death, resignation, or removal of any of the said Trustees or their successors, a majority of the remaining Trustees shall have power to fill any such vacancy or vacancies; and the person or persons so appointed, shall possess the same power and privileges as if named in this act; and by the name and style of the Trustees of the Franklin Institute, may sue and be sued, plead and be impleaded, in any court of law or equity.

SEC. 3. That the said Trustees and their successors, shall have power, and they are hereby authorized to purchase and receive, the conveyance to a lot of ground, in or adjoining the town of Lancaster, in the county of Garrard, upon which to erect said Institution; and shall have power to purchase any other land, that they may deem necessary, and to receive donations of money, lands, or other property, for the use and benefit of said Institution.

SEC. 4. That it shall be the duty of the said Trustees to assemble as often as they may think proper, and make such examination into the progress of the students, and management of the general concerns of the Institution, as they may deem necessary.

SEC. 5. That a majority of said Trustees shall form a quorum to do business; that they shall have power, from time to time, to select a teacher or teachers, and to make and enact such rules and by-laws for the government of said Institution as they may deem expedient, not inconsistent with the laws of this Commonwealth.

Sec. 6. That said Trustees shall, at their first, or subsequent session, as they may choose, elect a President of said Board, and such other officers as they may deem necessary.

1848.

Sec. 7. That it shall require a majority of all the members of said Board to purchase or to sell and convey real estate, or the profits thereof, or to erect public buildings.

Approved January 12, 1848.

CHAPTER 14.

AN ACT to change the name of Maria A. Peyton.

WHEREAS, Maria A. Peyton, of the County of Warren, has petitioned the General Assembly to change her name to Maria A. Vontress. Therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the name of said Maria A. Peyton be and the same is hereby changed to that of Maria A. Vontress.

Approved January 12, 1848.

CHAPTER 15.

AN ACT for the benefit of E. T. White, Deputy Sheriff of Daviess County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the further time of two years be given to Edward T. White, Deputy Sheriff for Joseph M. Potts, John G. Howard and Henry Dugan, late Sheriffs of Daviess county, to collect all fee bills, taxes, muster fines, &c., which he, as Deputy Sheriff, was authorized to collect, and settle the same: *Provided*, this act shall not be so construed as to give said Deputy Sheriff any further time than is allowed by law to pay into the Treasury of this State, any revenue which may be due for the year eighteen hundred and forty-seven.

Approved January 12, 1848.

CHAPTER 16.

AN ACT for the benefit of John Caruth, of Allen County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Constable's district in the county of Allen, including the town of Scottville, in said county, be and the same is hereby so amended as to include the farm and dwelling house of John Caruth, where he now lives, and so to remain as long as said Caruth shall hold the office of Constable in said county.

Approved January 12, 1848.

1848.

CHAPTER 17.

AN ACT for the benefit of William B. Carlisle, Sheriff of Green County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That William B. Carlisle, Sheriff of Green county, be and he is hereby allowed until the next April term of the Green County Court to return his delinquent list of revenue tax for the year 1847.

Approved January 12, 1848.

CHAPTER 18.

AN ACT for the benefit of L. D. Berry, of Hickman County.

Preamble.

WHEREAS, it is represented to this General Assembly, that Benjamin Berry, a citizen of Carroll county, Tennessee, departed this life about three years ago; that he died intestate; that he had, at the time of his death, four slaves and ten children; that L. D. Berry, one of his sons, a citizen of Hickman county, Ky., became the purchaser of said woman and two children at the sale of his father's property, in July last; and as doubts are entertained whether said Berry has the right to bring said slaves to this State or not. Therefore,

May bring in
negroes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall and may be lawful for said Berry to bring into this State said woman and children, without incurring the penalties of an act, entitled "An act to amend the law prohibiting the importation of slaves into this State," approved February 2d, 1833: *Provided,* said Berry shall, within twenty days after bringing said woman and children into this State, go before some Justice of the Peace for Hickman county, and make oath that he has brought said slaves into this State for his own use and not for sale, and give, at the same time, the names, ages, and a full description of the same, which shall be filed with the Clerk of said County Court, within ten days thereafter, for record: *Provided, further,* that said Berry shall be subject and liable to all the pains and penalties of the act of 1833, if he shall, at any time, sell said slaves or either of them in this State.

Approved January 12, 1848.

CHAPTER 20.

AN ACT to amend "An act for the benefit of John U. Watson and Pemberton Cave," approved February 17th, 1847.

Act amended
by new parties,
and who.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the act, entitled "An act for the benefit of John U. Watson and Pemberton Cave," approved 17th

February, 1847, shall be so amended as to make John P. Cave, James Cave, Thomas Cave, William Cave, Nancy S. Cave, Bennet Cave, Stephen Cave, Mary J. Cave and Abram H. Cave, children and heirs at law of said Pemberton Cave, parties to said bill in chancery, instead of said Pemberton Cave, who, since said sale and the payment of the purchase money, departed this life; and when said heirs shall be legally brought before the court, it shall and may be lawful for said court to render a decree directing said John U. Watson to convey, by and of general warranty, said undivided interest in and to said tract of land to the said children and heirs of said Pemberton Cave, deceased, instead of the said Pemberton Cave, and in all other respects be governed by said act to which this is an amendment.

1848.

Court may direct conveyance.

Approved January 12, 1848.

CHAPTER 21.

AN ACT for the benefit of William Wood, Surveyor of Clinton county, and for other purposes.

WHEREAS, it is represented to the present General Assembly, that William Wood, Surveyor of Clinton county, failed, through oversight, to execute his official bond as required by law. Therefore,

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall and may be lawful for the said William Wood, Surveyor of Clinton county, to execute his official bond before the Clinton County Court, at any term of said court during the present year, which shall have the same effect as if it had been executed as required by the statute now in force on that subject.

Wood, further time to execute Bond.

SEC. 2. *Be it further enacted*, That it shall and may be lawful for Rice Maxey, Trustee of the Jury Fund of Clinton County, to execute his bond as Trustee of the Jury Fund at the next term of the Clinton Circuit Court, which shall have the same force and effect, as if the same had been executed as required by law.

Maxey, as Trustee Jury Fund, further time to execute Bond.

Approved January 12, 1848.

CHAPTER 22.

AN ACT to change the name of Elizabeth G. M. Douglass.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the name of Elizabeth G. M. Douglass, of the county of Woodford, be and the same is hereby changed to that of Elizabeth G. M. Stevenson.

Approved January 12, 1848.

1848.

CHAPTER 23.

AN ACT to exempt certain property in the Town of Flemingsburg from Town Tax.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That from and after the first day of January, 1848, the lot of ground known upon the old plat of the town of Flemingsburg, as the "Seminary Lot," with the buildings situated upon the same, now owned and occupied by Mrs. Mary Faris, as a residence for her family, shall not be considered within the corporate limits of said town.

Approved January 12, 1848.

CHAPTER 25.

AN ACT for the benefit of Rice Maxey.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall and may be lawful for Rice Maxey, of Clinton county, to bring into this State, from the State of Tennessee, six slaves, viz: Virgin and her children, Patsy, Nancy and Perry, and Maria and her child, (about one year old,) without incurring the penalties imposed by law for importing slaves: *Provided*, it shall be the duty of said Maxey to make affidavit before a Justice of the Peace, that he does not bring said slaves into this State for merchandise; which affidavit shall be made and recorded in the County Court Clerk's Office of Clinton county, within twenty days from the introduction of said slaves.

Approved January 14, 1848.

CHAPTER 28.

AN ACT giving the County Court of Russell power to sell a portion of lot No. —, on which the jail is situated.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the Russell County Court, a majority of all the justices in commission in said county concurring, shall have power to sell and convey title to such portion of lot No. —, in the town of Jamestown, in said county, on which the jail is situated, as they may think proper.

SEC. 2. That said County Court shall have full power and authority to appoint a Commissioner or Commissioners to sell and convey title to such portion of said lot as they may think proper, and in such manner as they may direct.

SEC. 3. That the money, arising from such sale, shall be put under the control of the County Court, to be applied to the improvement of the public roads in said county.

Approved January 15, 1848.

CHAPTER 29.

1848.

AN ACT to allow an additional Justice of the Peace to Graves county, and an additional Constable to Logan county.

WHEREAS, it is represented to the General Assembly, that the portion of Graves county, known and designated as the "Panther Creek Neighborhood," experience great inconvenience for want of Justice of the Peace. Therefore,

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That an additional Justice of the Peace be allowed to Graves county.

Justice to
Graves.

SEC. 2. That the County Court of Logan shall appoint an additional Constable for said county, who shall reside in the town of Keysburg.

Constable to
Logan.

Approved January 15, 1848.

CHAPTER 30.

AN ACT for the benefit of Frederick A. Kennon, and Harriet L., his wife.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be lawful for Frederick A. Kennon and Harriet L. Kennon, his wife, late Harriet L. Taylor, to sell and convey all their right, title and interest, in and to a house and lot in the town of Frankfort, at the corner of Broadway and Lewis streets, formerly the property of Joseph Taylor, deceased, and which is incumbered with an estate in dower; and any deed of conveyance which the said Frederick A. Kennon and wife may seal and deliver, and acknowledge in the proper office, according to law, shall vest all the right, title and interest which said Kennon and wife have in said house and lot, to the purchaser thereof, as completely as if the said Harriet L. Kennon were twenty-one years of age at the time of the sealing, delivery and acknowledgment thereof.

Approved January 15, 1848.

CHAPTER 31.

AN ACT for the benefit of the heirs of Simeon H. Anderson, deceased.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall be lawful for the guardian or guardians of the infant heirs of Simeon H. Anderson, deceased, to file a petition or bill in chancery, in the Boyle Circuit Court, for the sale of the real estate, or any part thereof, descended to them from their ancestor, under the rules and regulations prescribed in an act, entitled "an act vesting jurisdiction in the Circuit Courts to authorize the sale of real estate of infants, in certain cases," approved February 3d, 1813.

1848.

Sec. 2. That it shall be lawful for the Boyle Circuit Court, upon the filing of said bill or petition, to render a decree authorizing William Owsley, Bryan Y. Owsley, Jeremiah T. Boyle and William C. Anderson, to make private sale of said real estate, or any part thereof: *Provided*, that the price at which they make such sale shall not fall below the price fixed by said Court.

Sec. 3. That the guardian or guardians of said infants, before receiving the proceeds of said real estate, shall be required to execute bond or bonds to such infant or infants, with good and sufficient security, to be approved by said Court, and in such penalty as the Court shall direct, conditioned as required by the act, entitled, "an act vesting jurisdiction in the Circuit Courts to authorize the sale of the real estate of infants, in certain cases," approved February 3d, 1813.

Approved January 15, 1848.

CHAPTER 32.

AN ACT authorising the Trustees of the Town of Cadiz, in Trigg county, to sell certain Ground.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the present Trustees, or their successors, of the town of Cadiz, in Trigg county, be and they are hereby authorised and empowered to sell and convey, by deed, ten feet of ground on Perry street, joining William C. Russell, running the full length of said Russell's lot.

Approved January 15, 1848.

CHAPTER 33.

AN ACT to change the names of E. H. Marrs, C. W. Marrs, W. O. B. Marrs, and others.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That upon the petition of Josiah Greathouse, of the county of Warren, acknowledging himself to be the father of Elijah Hise Marrs, Charles Warren Marrs, and William O. Butler Marrs, illegitimate children of Sarah Marrs, the names of said children are hereby changed to Elijah Hise Greathouse, Charles Warren Greathouse, and William O. Butler Greathouse, and each and every of them are legitimated and made capable of inheritance, in law and in equity, to all the lands and tenements, goods and chattels, rights and credits, of said Josiah Greathouse, in as full and ample a manner as if they, and each of them, had been severally born in lawful wedlock.

SEC. 2. *Be it further enacted*, That the names of James M. Lawrence and Nancy Jane Sale, be and they are hereby changed to George L. McPherson and Nancy Christiana McPherson, by which names they shall hereafter be known and called; and that the names of James M. Webb, Lucinda Webb and Richard O. Webb, be and they are hereby changed to James M., Lucinda and Richard O. Stovall.

1848.

Approved January 15, 1848.

CHAPTER 34.

AN ACT to amend the laws in relation to the town of Bowlinggreen.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That so much of the first section of an act, entitled, "an act further to regulate the duties of the Trustees of the town of Bowlinggreen," approved January 21, 1840, as restricts the Trustees of said town in levying a tax on the property of the citizens thereof, for any general improvement, in a greater amount than is paid on the same property as a revenue tax to the State, shall be and the same is hereby repealed: *Provided, however*, that the Trustees of said town shall not have power to levy a tax on the property of the citizens of said town, and other holders of property therein, for any general improvement in a greater sum than twenty-five cents upon each hundred dollars worth of property.

Approved January 15, 1848.

CHAPTER 35.

AN ACT to change the name of George Henderson Robertson, and for other purposes.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the name of George Henderson Robertson, of the county of Morgan, be changed to that of James Henderson Stamper.

SEC. 2. That the name of James S. Robertson, of the county of Morgan, be changed to the name of Hiram Stamper.

SEC. 3. That the name of Malinda Jones be changed to that of Malinda Stamper.

SEC. 4. That the above named persons whose names are changed, are hereby declared to be capable, in law, of inheriting the estate of James B. Stamper, of the county of Morgan.

Approved January 15, 1848.

1848.

CHAPTER 36.

AN ACT for the benefit of James T. Pettis.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That James T. Pettis, of Todd county, be and he is hereby authorised to bring into this State, from the State of Tennessee, his negro man slave named Henry, any law to the contrary notwithstanding: *Provided, however*, that he shall, within sixty days after said importation, file his affidavit with the Clerk of the Todd County Court, setting forth that said slave is for his own use and not for sale or merchandise.

Approved January 15, 1848.

CHAPTER 37.

AN ACT for the benefit of Edward B. Gibson, of Simpson county.

WHEREAS, Edward B. Gibson, who is about twenty years of age, is about to remove from this Commonwealth, and will be entitled, when twenty-one years of age, to a portion of his deceased father's estate, now in the possession of William Lynch, of Simpson county. Therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the said William Lynch, guardian of said Edward B. Gibson, be and he is hereby authorised to pay over to the said Edward B. Gibson, his portion of his deceased father's estate, and take a receipt therefor, which receipt shall be as valid and binding on the said Edward B. Gibson, and his heirs, as though he were twenty-one years of age.

Approved January 15, 1848.

CHAPTER 38.

AN ACT for the benefit of Amanda Hutchison, and her children.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Judge of the Bourbon Circuit Court shall have jurisdiction, upon the petition of Martin Hutchison, guardian of his children, and Amanda, his wife, to decree a sale of their interest in a tract of land devised to the said Amanda, and her children, by her father, Jacky S. Hitt, and invest the proceeds in other lands in the county of Bourbon, to the use and benefit of said Amanda, and her children, upon the terms of said will; and take such steps as shall be deemed best for the promotion of the interest and protection of the rights of said Amanda and her children.

Approved January 15, 1848.

CHAPTER 39.

1848.

AN ACT to enlarge the jurisdiction of the Police Judge of the town of Henderson.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the Police Judge of the town of Henderson shall have the same power and jurisdiction to grant writs of *ne exeat*, *habeas corpus*, injunctions, restraining orders, and attachments in chancery, which the Justices of the Peace, appointed by the County Courts of this Commonwealth for that purpose, now have.

SEC. 2. That said Police Judge shall have the same original jurisdiction, at common law and in chancery, which Justices of the Peace of this Commonwealth now have within their respective counties, and shall be governed by the same rules and regulations, and be entitled to receive the same fees for his services.

Approved January 15, 1848.

CHAPTER 40.

AN ACT to incorporate the town of West Point, in Hardin County.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the boundary laid out and designated in the records of the County Court of Hardin county, at the mouth of Salt river, as the boundary of the town of West Point, shall be called by the name and style of West Point; and the title to the streets, public squares and alleys therein, and all lots heretofore unconveyed by former Trustees, shall be vested in a Board of Trustees, to consist of seven members, and their successors in office, forever.

Boundary established, and name.

Title of lots vested in Trustees.

SEC. 2. That said Trustees shall be elected on the first Monday in April, in each year; and all resident white male citizens, or persons owning and holding real estate in said town, over the age of twenty-one years, shall have the right to vote in said election; but no person shall be qualified to act as Trustee who shall not be a resident of said town, nor until he or they shall have taken an oath, before a Justice of the Peace, faithfully to perform the duties of the office of Trustee of said town. The said election shall be held by the Sheriff of Hardin county.

Trustees to be elected, by whom, and their duties.

SEC. 3. That said Trustees shall be required to convey any of the lots of said town to any person or persons holding the equitable title thereto.

Trustees to convey lots.

SEC. 4. That said Trustees may make such rules, by-laws and regulations for the government of said town as they may deem advisable: *Provided*, they are not incompatible with the constitution of the United States, the constitution of this State, or the laws thereof.

May make by-laws, &c.

1848.

Power of
Trustees.

SEC. 5. That the said Trustees shall have power to open the streets and alleys of said town; to grade, pave and MacAdamize them; to make wharves and landings on the Ohio and Salt rivers, and to make such other improvements, for the benefit of said town, as they may deem proper: *Provided*, that they shall not create a debt beyond the ability of two years revenue of said town to pay.

May levy and
collect taxes.

SEC. 6. That the said Trustees shall have power to tax the real property of said town, *ad valorem*, not exceeding twenty cents for each hundred dollars of value thereof; and they shall also have the power to levy a capitation tax on all white male residents, and all resident slaves over twenty-one years of age, not exceeding one dollar in each year; and may appoint a Collector and Marshal for said town.

Trustees in-
corporated,

SEC. 7. That said Trustees shall be a body corporate, under the name of "The Board of Trustees of West Point;" and by that name may contract and be contracted with, sue and be sued; and shall have the power to sue for any violation of their by-laws, before a Justice of the Peace, and recover the penalty of such violation, not exceeding twenty-five dollars.

SEC. 8. That this charter may be amended, repealed in whole or in part, and added to, at the pleasure of the General Assembly; and all acts or parts of acts coming within the purview of this act, are hereby repealed.

Approved January 15, 1848.

CHAPTER 43.

AN ACT to incorporate the Christian Church at Stanford.

Trustees names.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That Achilles Perrin, Richard W. Hocker, Henry Myers, William Potter and James Frazer, and their successors in office, be and they are hereby created a body corporate, to be known and called by the name and style of The Trustees of the Christian Church, at Stanford, Lincoln county, Kentucky; and in their corporate character may, for the use of the Church, acquire and hold the right and title to a lot of ground in said town, not exceeding four acres, for the purpose of erecting thereon a house of worship, a grave-yard, &c., for the use of said Church; and they are authorized and empowered to sell and convey said lot or any part thereof, as a majority of said Trustees may think proper, for the use of the Church, vesting the proceeds in other grounds for said Church, and for the use and benefit of said Church; and shall have power to do any other legal act in changing said ground, for the use of said Church, for the purposes of the public worship of God; and said Trustees shall have power to maintain any action for

Powers and
duties.

the safe-keeping and preservation of said lot and its appurtenances and improvements: *Provided*, that no sale and conveyance of said property, or any part thereof, shall be made without the concurrence of a majority of the Trustees.

1848.

SEC. 2. In the event of the death, resignation or removal or refusal of any of said Trustees to act, the remaining Trustees, a majority thereof concurring, may appoint others to fill such vacancies.

May fill vacancies, &c.

Approved January 15, 1848.

CHAPTER 43.

AN ACT for the benefit of Roberson Brown, of Allen county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Roberson Brown, of Allen county, be and he is hereby permitted to import into this State, a negro girl named Aggy, without incurring any penalty or fine for the same: *Provided*, he shall, within sixty days after making such importation, make oath before some Justice of the Peace of said county, that he did not purchase said negro for merchandise, but alone for his own use, which oath shall be reduced to writing, and filed in the Clerk's office of said county.

Approved January 15, 1848.

CHAPTER 44.

AN ACT for the benefit of Urath O. Hundley, and others.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be lawful for Urath O. Hundley, and her two sons, William B. and John B. Hundley, the latter by William B. Hundley, his next friend, to file their bill in the Louisville Chancery Court, against Edward D. Hobbs, alleging that he holds the title of certain lots in Louisville, and certain lands in the State of Illinois, in trust for the said Urath O. Hundley, for life, and at her death to be divided between the said William B. and John B. Hundley, her children; and that it is necessary for the comfort and support of the said Urath O. Hundley, and her said children, and that it would be to their interest and advantage to have the lots in Louisville sold, and the proceeds applied to improve the joint lands in the State of Illinois, for the joint benefit, comfort and support of all of them; and if the allegations of said bill shall be admitted by said Trustee, and supported by the affidavits in writing, of two or more respectable witnesses, that such sale and application of the proceeds is necessary to the comfort, sup-

May file bill in chancery, and what proceedings.

1848.

Duty of chancellor.

port and interest of said Urath O. Hundley, and her said children, and the Chancellor of said Court shall be satisfied, from the allegations of the bill, the admissions of said Trustee, and all the proof in the case, that it would be necessary for their comfort, support and interest, then it shall be lawful for said Court to order and decree a sale and conveyance of one or both of said lots, or such part or parts of one or both of said lots, as shall be necessary, and shall cause said Trustee to appropriate the proceeds to the substantial improvement of the joint lands in the State of Illinois; and shall make such further decree and order as shall be necessary and proper to carry into effect the objects of this act; and the decree, sale and conveyance provided for in this act, shall be effectual, in law or equity, to pass the estate in both or any part of said lots in Louisville.

Approved January 15, 1848.

CHAPTER 45.

AN ACT to appoint Trustees for the Ash Ridge Church and Burying Ground, in Fayette county.

WHEREAS, the congregation which originally worshipped God at the Ash Ridge Meeting House, in the county of Fayette, are scattered and dispersed; the meeting house fallen down, and the graves of those buried in the graveyard exposed to desecration. Therefore, in order to preserve the place from further injury, and to secure the right of burial to those who may be entitled to it in that place, and to restore, if possible, the property to its original uses of a place for the worship of God and the burial of the dead,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Robert J. Breckinridge, James Logan, John H. Wallace, Robert P. Kenny, James N. West and Mason Brown, are hereby appointed Trustees for the said Church and graveyard, containing not more than two acres of ground, as lately established by the three first named of said Trustees, with power to manage and control the same, as a graveyard, a place of public worship, and a place to erect a school house, saving and excepting the rights of all other persons; and they are hereby invested with as full powers in the premises as if they had been appointed Trustees by the congregation of Ash Ridge, now entirely dispersed; and the Fayette County Court shall, from time to time, as vacancies may occur in said Board of Trustees, fill the same by appointment, and said Church and burying ground shall, in all respects, be under the regulations of an act, entitled, "an act for the benefit of Religious Societies," approved 1st February, 1814, and the several acts amendatory thereof.

Approved January 15, 1848.

LAWS OF KENTUCKY.

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CHAPTER 46.

1848.

AN ACT to change the name of William G. Musgrove, and for other purposes.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the name of William Green Musgrove, of Hopkins county, be and the same is hereby changed to William Green Logan.

SEC. 2. *Be it further enacted,* That the name of Tabitha W. McKinney, of Union county, be changed to that of Tabitha W. Delaney.

Approved January 15, 1848.

CHAPTER 47.

AN ACT for the benefit of Presley Steward, of Kenton county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the name of Presley Steward, of Kenton county, be and the same is hereby changed to that of Thomas Presley Steward.

Approved January 15, 1848.

CHAPTER 48.

AN ACT for the benefit of Mary C. Parker.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the marriage contract heretofore existing between Mary C. Parker, and her husband, William C. Parker, be forever dissolved and annulled, and that the said Mary C. Parker be divorced from the said William C. Parker, and restored to all the rights and privileges of an unmarried woman; and, also, restored to her maiden name of Mary C. Hooker.

Approved January 15, 1848.

CHAPTER 49.

AN ACT authorizing the County Court of Barren to purchase a lot on which to erect a Jail, and for other purposes.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the County Court of Barren be and they are hereby authorized to purchase a lot of ground for the purpose of erecting thereon a jail and jailer's house, and necessary appendages thereto, for the use of said county, taking the deed therefor to the Justices of the Barren County Court, and their successors in office; and to enable said Court to make such purchase, and to erect the buildings aforesaid, they are hereby authorized to make a

May purchase
lot of ground,
and its use.

1848.

levy or levies for the same, and to appropriate, for that purpose, the money in the hands of the County Treasurer arising from the sale of vacant lands in said county, and any money which may hereafter come to his hands from that source.

Act to change
location of Poor
House, revived.

SEC. 2. *Be it further enacted*, That "an act to authorize the County Court of Barren county to change the location of the Poor House in said county," approved January 14th, 1846, be and the same is hereby revived and continued in full force, and so amended as to authorize said County Court to comply with the provisions of said act, at any time hereafter.

Approved January 15, 1848.

CHAPTER 50.

AN ACT to amend the charter of the Carlisle and Sharpsburg Turnpike Company.

Work to com-
mence when
\$ 5,000 is sub-
scribed.

President, &c.,
when elected.

Amount sub-
scribed; how ap-
propriated.

Books may be
opened, and
how.

Provided.

When a toll-
gate may be
erected.

Metal, how
wide.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the charter of the Carlisle and Sharpsburg Turnpike Company, approved 26th February, 1847, be so amended as to authorize the work to commence when eight thousand dollars of stock shall be subscribed and donated; at which time the President and Directors shall be elected, and the amount subscribed shall be laid out and appropriated upon that portion of said road from the Maysville and Lexington Turnpike Road, through Carlisle, to the forks of the creek east of Carlisle.

SEC. 2. Books for the subscription of stock shall be opened under the direction of three or more of the Commissioners mentioned in the act to which this is an amendment, at any time, and continue open until the whole capital stock shall be taken: *Provided*, said Commissioners shall give notice of the time and place, in writing, for two weeks, at the Court-house door and at two other public places in Nicholas county; and the Commissioners in the other places shall, before they open books, advertise the time and place at least two weeks respectively, in writing, in lieu of the advertising in newspapers as required by said act.

SEC. 3. Whenever said road shall be completed from the said Maysville and Lexington Turnpike to the forks of the creek east of Carlisle, the President and Directors shall be authorized to erect a toll-gate and charge the same rate of tolls that is charged on the Maysville and Lexington Turnpike Road.

SEC. 4. The President and Directors aforesaid shall cause the metal in said road to be laid from sixteen to eighteen feet in width, and an average of at least nine inches thick.

SEC. 5. The President and Directors shall lay out and expend any money which may at any time be donated or

subscribed, in the construction of any other portion of the road from Carlisle to Sharpsburg, after the portion mentioned in the first section of this act shall be completed.

SEC. 6. All the provisions of the act to which this is an amendment, not specially amended or changed by this act, shall be and the same are hereby continued in full force, and made applicable to the continuation of any portion of said road.

1848.

Provisions of original act continued in force.

Approved January 15, 1848.

CHAPTER 51.

AN ACT to amend the Road Law in the county of Trimble.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the Trimble County Court, at their January or February term, 1848, shall divide said county into suitable road districts, to be known by their numbers, and appoint a Surveyor for each district, who shall serve for one year, or until his successor is appointed; each Surveyor, upon his appointment, shall take the following oath, before a Justice of the Peace, viz: "You do solemnly swear (or affirm,) that you will faithfully discharge the duties of Surveyor of the road, according to law, and to the best of your abilities."

County to be laid off into districts, and Surveyors appointed.

SEC. 2. That when the districts are laid off, the Clerk of said Court shall, within five days, deliver to the Commissioner of Revenue, a copy of the order of Court defining the several district boundaries. That the Court may, from time to time, lessen or increase the number of districts, and change their bounds; and when any alteration is made, the Clerk shall furnish the Commissioners of Revenue with a copy of such order previous to their beginning to assess; and the citizens residing in each district shall be subject to a road tax of six cents on each hundred dollars worth of property, and a poll tax of one dollar and fifty cents for each white male over the age of sixteen and under fifty years of age, and all male slaves over sixteen years old.

Clerk to give to Sheriff copy of boundaries.

Court may make changes in districts, and Clerk to furnish order, and citizens to be taxed.

SEC. 3. That the Commissioner of Revenue for said county, when he assesses the revenue, shall, in a book to be provided by the County Court for that purpose, assess all the real estate, together with the white males over sixteen and under fifty years of age, and all male slaves over sixteen years of age, in each road district separately; and he shall value the real estate as is done for revenue, and shall set down the value of the real estate and number of tythes subject, by this act, to work on roads; which book, when the assessment is made complete, shall be returned to the Clerk of the County Court, whose duty it shall be, within twenty days, to copy each district assessment, specifying the amount of taxes due from each person, and

Commissioner to assess road tax and his duties.

1848.

Court may correct the assessment.

deliver the same to the Sheriff, who shall deliver the same to the Surveyor of each district within fifteen days. The County Court shall have power to correct all improper assessments upon proof thereof. They may receive proof that the Commissioner of Revenue has omitted to assess persons or property, and on the fact being established, they shall cause the same to be entered of record, setting forth the value of the property and the number of persons and the amount of taxes due thereon; a copy of which order shall be furnished to the proper Surveyor by the Clerk and Sheriff as above.

Duties of the Surveyors or Superintendents.

SEC. 4. That it shall be the duty of the Surveyor to superintend opening, repairing and keeping in repair all the public roads in their respective districts, under the order and direction of the County Court; and they are authorized and empowered to receive and receipt for the tax of the persons assessed and liable therefor; and the parents and guardians of minors, and the owners, or persons having the immediate right to the services of a slave or slaves, tythable, shall be liable for the taxes assessed against them. The Surveyor shall, in person or by written notice, inform the person liable to work, as aforesaid, by giving them three days' notice of the time and place when and where they shall attend. If by a written notice, it shall be deemed lawful by leaving it at their usual place of residence. Any person whose duty it is to perform labor on a road, shall, when required by his Surveyor, furnish such team or teams and utensils as the Surveyor may require, provided he owns the same; and for refusing or failing to do so, shall forfeit a sum not to exceed three dollars, recoverable by the Surveyor before a Justice of the Peace. That the Surveyor shall not allow more than two dollars for a team, ploughman and plough, and for a wagon, team and driver, not more than three dollars per day. And all who choose may, by themselves, or an able bodied substitute, work out the amount of their tax, at the rate of seventy-five cents for every eight hours work performed. And if, after being notified, the person liable for taxes does not attend and labor, as required by this act, under the direction of the Surveyor, then the Surveyor shall, within sixty days, make out and deliver to the Sheriff, or his deputy, taking his receipt for the same, a full and complete delinquent list of all such persons, whose duty it shall be to proceed and collect the road taxes from such delinquent as other taxes are collected, and pay the same over to the Surveyor, within thirty days after collected; and should the Sheriff not be able to collect the road taxes from all the delinquents returned to him, it shall be his duty to make out a road delinquent list, under the same oath as other delinquent lists are made out, and return the same to the County Court at the April term thereof, in each year, for which he shall have

credit on his receipt to the Surveyor, the Court making an order to that effect. The Sheriff shall be liable to the Surveyor for the road tax upon his official bond.

1848.

Sec. 5. That the occupant of lands, subject to tax, shall be liable for the taxes due on the lands to the extent of his or her indebtedness to the owner of the land for rent: *Provided*, he or she has notice of the tax, before he or she pays his landlord; and such payment shall be obligatory on the owner of the property; and in case there is no occupant on the land, the agent shall be responsible for the tax.

Land liable for road tax.

Sec. 6. That the Surveyor shall make out a fair statement, verified by oath, of the receipts and disbursements of the road tax, and report the same to the County Court, at their April term, in each year. The Surveyor shall be subject to the general law, for all general duties; and on failure to perform any special duty required by this act, shall be subject to a fine of not less than three nor more than ten dollars, to be recovered by any one becoming responsible for the costs, suing for the same, in the name of the Commonwealth of Kentucky, before a Justice of the Peace; and the fine, when collected, shall be added to the district fund in which it is collected for road purposes.

Further duties of Surveyors.

Sec. 7. That the County Court shall allow their Clerk, Sheriff and Commissioner, a reasonable compensation for the services herein required; and the Surveyor, in appointment, shall be entitled to a credit of seventy-five cents for each day's attendance he shall give to the notifying of hands or working on the roads, but in no one year to exceed twelve dollars; and he shall, during his continuance in office, be exempt from serving on all juries; he shall have full power to expend the amount of the taxes assessed on the roads in his district.

Court to allow compensation for services.

Sec. 8. That if, after expending the road tax as hereinbefore specified, the road shall be in bad condition, the Surveyor shall have power to call on the tytheables to perform not exceeding two days work, in any one year, over and above the tax, as hereinbefore required.

Hands to work on roads.

Sec. 9. That the Surveyors of each district are empowered and authorized to purchase, and pay for, out of the road taxes, ploughs, scrapers, and other necessary tools for the use of the road of which he is Surveyor, and which he shall deliver over to his successor; and he shall be further authorized to hire teams and wagons to assist in working on the road.

Surveyors to buy ploughs, &c.

Sec. 10. That all ordained ministers of the gospel shall be exempt from his individual poll tax for road purposes in Trimble county.

Ministers exempt.

Sec. 11. That it shall be the duty of the Surveyors to dock any individual at the rate of fifteen cents for every hour which he shall, when attending to work on the roads, wilfully idle away, recoverable by the Surveyors before a Justice of the Peace.

Hands shall be docked.

1848.

Surveyors may
take lumber and
stone.

Sec. 12. That where bridges or causeways are necessary, the Surveyors may cut, and take from the lands of any person or persons adjoining, such and as much timber, earth and stone, for making and keeping in repair the same, the same being first viewed and valued by two house keepers appointed and sworn by the Surveyor for that purpose; the Surveyor administering the following oath: "You do solemnly swear, (or affirm,) that you will well and truly value the wood, stone and earth, shown to you by the Surveyor, condemned for road purposes;" and the Surveyor shall pay the amount to the owner of the land.

Election to
be held on the
adoption of this
act.

Sec. 13. That, at the next August election, it shall be the duty of the officers conducting the election at each voting place in the county of Trimble, to open two columns in their poll book, the one for and the other in opposition to this act; and it shall be the duty of the Sheriffs at the places of voting, distinctly to ask of each voter there, and voting, whether or not he is in favor of this act; and upon the comparison of the polls, should it appear that a majority of the legal voters of said county are opposed to the provisions hereof, then, and in that event, this act, and all the provisions thereof, shall be and the same is hereby declared null and void, otherwise to remain in full force and virtue.

Sec. 14. That all laws now in force within the county of Trimble, coming in conflict with the provisions of this act, shall be and the same are hereby repealed.

Approved January 18, 1848.

CHAPTER 52.

AN ACT for the benefit of the Sheriff of Hart county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Sheriff of Hart county shall have, and is hereby allowed further time, until the first Monday in May next, to return his delinquent list of muster fines for the year 1847; for which he shall receive credit in his settlement with the Regimental Paymaster, as though they had been returned as now required by law.

Approved January 18, 1848.

CHAPTER 53.

AN ACT for the benefit of Martin Draper, late Sheriff of Grant county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be lawful for Martin Draper, late Sheriff of Grant county, to list with the Sheriff, or any Constable of said county, certain fee bills for services ren-

dered by H. B. Smith, late Clerk of the Circuit and County Courts of said county, in the years 1833, 1834, 1835 and 1836; and it shall be the duty of the officer, with whom they shall be listed, to collect the same as fee bills in force are collected: *Provided, however*, that, before listing for collection, said fee bills, it shall be the duty of said Draper to go before the County Court of said county, and file a list of the said fee bills, and make an affidavit that they have not been collected by him, and that he has paid the amount thereof; and the said Draper shall be subject to the same proceedings, pains and penalties, that the Clerk would be for any fee bill or bills, listed by him under this act, that may have been improperly issued, or paid off by the person against whom issued.

1848.

Approved January 18, 1848.

CHAPTER 54.

AN ACT for the benefit of Benjamin Collins.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Benjamin Collins, of Bullitt county, be and he is hereby restored to all the right and privileges of an unmarried man.

Approved January 18, 1848.

CHAPTER 55.

AN ACT to divorce Eliza Turner.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Eliza Turner, be and she is hereby divorced from her husband, Samuel Turner, and restored to all the rights and privileges of an unmarried woman.

Approved January 18, 1848.

CHAPTER 57.

AN ACT for the benefit of Kiziah E. Young and Sarah Young.

WHEREAS, it is represented to the present General Assembly, that, some years since, Maria Young, who was the wife of John Young, of Hart county, died, leaving two infant daughters, viz: Kiziah E. Young and Sarah Young, who are also children of said John Young; that said Kiziah and Sarah are yet infants; that there descended, to said infants, from their mother, sixty-three acres of land in Hart county, subject to the curtesy of the husband therein; that said John Young desires to sell his interest in said lands, and that it will be beneficial to the infants to sell their in-

1848.

terest at the same time, and invest the proceeds of the sale in other lands or young slaves. Therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be lawful for the Hart Circuit Court, upon bill filed by the said John Young, setting forth the facts and circumstances of the case, making said infants parties thereto; upon the service of process upon the said infants, and the appointment of a guardian, *ad litem*, to defend for them, to decree a sale of said infants' interest in said tract of land, and an investment of the proceeds of sale in other lands or negroes: *Provided*, the said Court shall be of opinion such sale and investment will redound to the benefit of said infants. Said Court shall have power to direct such sale to be made by said John Young, either at public or private sale, and to convey to the purchaser the interest of said infants in said tract of land, and to invest the proceeds of sale in other lands, or slaves, as in the opinion of the Court will be most advantageous to said infants: *Provided, however*, that, before any decree is made, said John Young shall enter into, and acknowledge before, and deposit with the Clerk, for safe-keeping, a bond, payable to the Commonwealth, with at least two good securities, to be approved of by the Court, in such penalty as the Court may direct, conditioned faithfully to discharge all of the duties now imposed by law upon guardians; and faithfully to execute the decree that the Court may make in the cause; and said Kiziah and Sarah Young, or either of them, may sue on said bond for their use, or the use of either of them.

Approved January 18, 1848.

CHAPTER 58.

AN ACT for the benefit of the widow and heirs of John Duke, deceased.

WHEREAS, it is represented to the present General Assembly, that in the life time of John Duke, deceased, late of Barren county, he and his brother Thomas entered into a contract, by which said Thomas purchased of said John his interest (being one half) in a tract of land, situated in said county, containing about one hundred and thirty-two acres, which had been devised to them by their father; and that said Thomas, as a partial payment for the interest of said John in the 132 acres of land, sold to him five acres of land, also situated in the county aforesaid; that there was no note or memorandum, in writing, of said contract, signed by either of the parties thereto, but that said John took possession of, and improved the five acres of land so sold to him by the said Thomas; that said John departed this life, leaving his widow and heirs in the possession of said

five acres, and it is now in their use and occupation: and, whereas, it is represented that it will be very advantageous to said widow and heirs to have said contract confirmed and executed, and that all of the heirs of John Duke are infants. Wherefore,

1848.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall be lawful for Thomas Duke to file his bill in the Barren Circuit Court, containing the statements and allegations, and making said widow and heirs of John Duke parties thereto; and upon the service of process, the Court shall appoint a guardian, *ad litem*, to defend for the infants, and the cause shall progress as other chancery causes.

SEC. 2. That, if said Court shall be of opinion, on the hearing of the cause, that a contract was entered into by said John and Thomas Duke, as above set out, and that it would redound to the benefit of said widow and heirs to execute said contract, it shall render a decree, directing the conveyance to said Thomas Duke, by a Commissioner, of the title of said infants to the land sold by John to Thomas Duke: *Provided, however*, that said Thomas shall first have conveyed to said heirs, the title to the said five acres of land: *And provided further*, that nothing in this act, nor in the conveyance authorized to be made by it, shall affect the right of the widow of John Duke to dower in the said five acres of land.

Approved January 18, 1848.

CHAPTER 60.

AN ACT to amend an act, entitled, "an act to incorporate the Faculty of the Western Military Institute."

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the Governor shall, annually, appoint five fit persons, who, together with the Adjutant General, shall constitute a Board of Visitors to attend the public examinations of the cadets of the Western Military Institute at least once in every year; and it shall be their duty to ascertain the proficiency of the cadets in the various departments of learning and science in which they have been engaged; and, also, to examine the condition of the public arms confided to the care of said Institution. It shall be the further duty of the said Board of Visitors, to make a report of their several examinations to the Governor, accompanied by a statement, in detail, of the condition of said Institute in its various departments, who shall submit the same to the Legislature at its annual session.

SEC. 2. That the Governor is authorized to cause such of the public arms and equipments to be issued to the Institute as he may deem necessary, upon the requisition of the

1848.

Faculty of said Institute, which shall be responsible for the preservation and safe-keeping thereof; and before said Faculty shall obtain such arms and equipments, a bond, with ample penalty and surety must be given by it, payable to the Governor of the Commonwealth of Kentucky, conditioned to preserve and safely keep said arms and equipments, and to return the same when they shall be required by the proper authority; and the parent or guardian of each student shall be responsible to the faculty for such of said arms and equipments as shall be placed in his hands, to be used by him in his duties, as a cadet of said Institute.

SEC. 3. That any commissioned officer of the militia of Kentucky may enter as a pupil at said Institute, for a period of time not exceeding ten months, and receive instruction in any or all the departments of military science therein taught, without being required to pay any fee or charge whatever for such instruction.

SEC. 4. That whenever the Governor shall be informed, by the Faculty of said Institute, that the number of cadets in regular attendance at said Institute are as many as, or more than seventy-five, he is hereby authorized to issue the commission of Colonel, to such one of the professors as said Faculty shall recommend to him for that office; and shall also issue such other commissions to other professors and to the cadets, upon the recommendation of the Faculty, as shall be necessary to complete the organization of a military corps; the said appointments to office to be subject to the advice and consent of the Senate.

Approved January 19, 1848.

CHAPTER 61.

AN ACT for the benefit of the Clifton Guards, in Woodford county.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That it shall be lawful for the Clifton Guard company to appoint a collector from their ranks, who shall be empowered to collect all fines coming to said company, which fines shall be subject to its exclusive control and benefit.

SEC. 2. That it shall be the duty of the captain of said company to take a bond, with good security, compelling said collector to pay over all moneys received by him for said company, to the order of the captain, or commanding officer, for the time being.

SEC. 3. That in order to assist said company to sustain itself, it shall be permitted to elect honorary members, the fines of which are also for the exclusive benefit of said company: *Provided*, said company shall not elect more than fifty honorary members.

Approved January 19, 1848.

CHAPTER 62.

1848.

AN ACT for the benefit of William A. Butt.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be lawful for William A. Butt, of Simpson county, to bring into this State a negro boy slave named Henry, without incurring the penalty imposed by existing laws: *Provided,* said Butt shall make oath, and file in the Clerk's office of Simpson County Court, his affidavit, in writing, that said slave was not brought into this State for sale, but for his own use.

Approved January 19, 1848.

CHAPTER 63.

AN ACT to authorize the City of Covington to levy a Special Tax.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That, for the purpose of procuring additional fire engines and apparatus for the City of Covington, the President and Common Council of said City are hereby authorized to lay and levy a special tax for the years 1848 and 1849, of fifteen cents, each year, on each one hundred dollars worth of taxable property, as fixed by the assessments of said years; and that said special tax, when levied, shall be a lien on all taxable property, and shall be due and payable at the same time, and collected under the same rules, laws and regulations, as are the ordinary taxes of said city.

Approved January 19, 1848.

CHAPTER 64.

AN ACT for the benefit of Janette Cornell.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the name of Janette Sherwood be changed to Janette Cornell, and that hereafter she be known and called by the said name of Janette Cornell.

Approved January 19, 1848.

CHAPTER 65.

AN ACT allowing two additional Justices of the Peace to Muhlenburg county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That two additional Justices of the Peace be allowed to the county of Muhlenburg, who may reside in the town of Greenville, or within the vicinity of said town.

Approved January 19, 1848.

1848.

CHAPTER 66.

AN ACT for the benefit of Moses Cawood, late Sheriff of Harlan county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be the duty of the Second Auditor to receive the delinquent list from the late Sheriff of Harlan county, for the year 1846, and give credit to the said Sheriff for the amount of the same.

Approved January 19, 1848.

CHAPTER 67.

AN ACT allowing an additional Justice of the Peace to the county of Daviess.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That an additional Justice of the Peace be allowed to the county of Daviess; and in the appointment of said Justice, the County Court shall have due regard to the necessity of the citizens living in the Knottsville precinct, in said county.

Approved January 19, 1848.

CHAPTER 68.

AN ACT to authorize the County Court of Knox to appoint a Constable in the District, including the town of Barbourville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be lawful for the County Court of Knox county to appoint any person Constable in the Constable's District, including the town of Barbourville, who has or has not resided six months in said district previous to such appointment.

Approved January 19, 1848.

CHAPTER 69.

AN ACT to divorce Susanna Peters, and change her name.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Susanna Peters, be and she is hereby divorced from her husband, Thomas Peters, and restored to all the rights and privileges of an unmarried woman; and that her name be changed from that of Susanna Peters, to that of Susanna Wiseheart.

Approved January 19, 1848.

CHAPTER 70.

1848.

AN ACT for the benefit of Marcus R. Hardin.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Marcus R. Hardin, be and he is hereby divorced from his wife, Rebecca Hardin, and is restored to all the rights and privileges of an unmarried man.

Approved January 19, 1848.

CHAPTER 71.

AN ACT for the benefit of John Wright, and Elizabeth, his wife.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the marriage heretofore celebrated between John Wright and Elizabeth, his wife (formerly Elizabeth Reno,) shall be and is hereby legalized, and declared to be, to all intents and purposes, a valid marriage; and the said John Wright and Elizabeth, his wife, are hereby released and exonerated from all the pains and penalties they may have incurred by reason of said marriage.

Approved January 19, 1848.

CHAPTER 72.

AN ACT to extend Canal street, in the town of Harrodsburg.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Trustees of the town of Harrodsburg, two-thirds thereof concurring, be and they are hereby authorized to extend Canal street, in said town, to the North line therein, with the consent of the owners of the land, upon such terms as they may consider just and reasonable, which extension they shall enter upon their records; which street, when opened, shall be subject to all the rules and regulations as other streets in said town.

Approved January 24, 1848.

CHAPTER 73.

AN ACT for the benefit of William Andrews, of Monroe county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That William Andrews, of Monroe county, be and he is hereby permitted to bring into this State, a negro girl slave named Lydia: *Provided,* he will, within thirty days after said slave shall have been brought into this State, make oath before some Justice of the Peace for Monroe county, that he did not bring said slave into this State for merchandise, but for his own use; a certificate of which oath shall be filed with the Clerk of said County Court within thirty days.

Approved January 24, 1848.

1848.

CHAPTER 74:

AN ACT for the benefit of Thomas Green, of Christian county.

WHEREAS, it is represented to the General Assembly, that Thomas Green, of Christian county, is desirous of purchasing and bringing back to this State, from the State of Tennessee, for his own use, a negro man slave named Albert, of which negro he owns the wife and children. Therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That said Green be and is hereby authorized and permitted to bring into this State, from the State of Tennessee, said slave Albert, who is aged about forty-five years, for his own use, without incurring any of the penalties of the act of 1833, prohibiting the importation of slaves: *Provided*, the said Green shall, within thirty days after bringing said slave into this State, go before some Justice of the Peace for said county, and make oath that he has brought said slave into this State for his own use, and not for sale, and that he will not sell said slave within three years from that date; which affidavit shall be filed in the Clerk's office of the Christian County Court.

Approved January 24, 1848.

CHAPTER 75.

AN ACT to incorporate the Trustees of Liberty School House, in Trimble county.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That John B. Floyd, Madison Mayfield, Hugh McEntire, Tarrence Conner and Samuel Morris, and their successors in office, be and they are hereby constituted and appointed a body corporate and politic, by the name and style of the Trustees of Liberty School House in Trimble county, and by that name shall have perpetual succession, with all the powers incident to corporations, for the purpose of suing and being sued, pleading and being impleaded, so far as may be necessary to protect the rights, titles, property, privileges, possessions and immunities of said school house, its appendages, and the lot of ground upon which said house now stands.

SEC. 2. That it shall be lawful for the above named Trustees, or their successors, to procure from Baxter Mayfield, the title to the lot of ground on which said school house now stands, which title shall vest in said Trustees, and their successors, in their corporate capacity, to be held by them for school purposes.

SEC. 3. That the above named Trustees shall continue in office until the first Saturday in January, 1849, or until their successors are duly elected by a majority of the qualified voters who may be subscribers or contributors to any

school taught in said house at the time, or the one preceding said election, which election for Trustees shall be held at said school house on the day above named, in each and every year.

1848.

SEC. 4. That upon the death, removal, resignation or refusal to act, of any of the Trustees, it shall be lawful for the remaining Trustees to fill the vacancy or vacancies thus occurring in the Board, the term of whose office shall expire at the next election for Trustees.

Approved January 24, 1848.

CHAPTER 76.

AN ACT for the benefit of Reese Bourland, of Ballard county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Reese Bourland, of Ballard county, is hereby authorized to contract for the purchase and delivery of a mulatto woman slave named Mary, now within said county, and who has been brought into this State, since the passage of the act of 1833, prohibiting the importation of slaves into this State; and the said Bourland shall not be liable to any of the pains and penalties denounced by said act, against any person buying a slave in contravention of the said act.

Approved January 24, 1848.

CHAPTER 77.

AN ACT for the benefit of William Fortson.

WHEREAS, it is represented to the General Assembly of the Commonwealth of Kentucky, that William Fortson, of Christian county, is desirous of introducing into this State a negro man slave named Reuben, he being the owner of the wife and children of said negro man. Therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That William Fortson, of Christian county, be and he is hereby authorized and permitted to bring into this State, from the State of Tennessee, the said slave Reuben, for his own use, without incurring the penalties of the act of 1833, prohibiting the importation of slaves into this State: *Provided,* that the said Fortson shall, within thirty days after the introduction of said slave into this State, go before some Justice of the Peace for Christian county, and make oath that he brought said slave into this State for his own use and not for merchandise, and that he will not sell said slave within three years from that date; which affidavit shall be filed of record in the Clerk's office of the Christian County Court.

Approved January 24, 1848.

1848.

CHAPTER 78.

AN ACT allowing to the county of Letcher an additional Justice of the Peace and Constable, and for other purposes.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That an additional Justice of the Peace and Constable be allowed to the county of Letcher.

SEC. 2. That an additional Justice of the Peace be allowed to Crittenden county.

Approved January 24, 1848.

CHAPTER 79.

AN ACT for the benefit of Jonathan Pryor.

WHEREAS, Jonathan Pryor, sr., of Graves county, lately purchased a slave named Wesley, of a gentleman living in Tennessee, and that he was induced to make the purchase on account of a desire expressed by said Wesley to be with his relatives owned by the said Pryor. Therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Jonathan Pryor, sr., be and he is hereby authorized to bring said slave Wesley into this State, without incurring the penalty of the act of 1833, prohibiting the importation of slaves into this State: *Provided*, the said Pryor shall, within sixty days after bringing said slave into this State, make an affidavit before some Justice of the Peace for Graves county, that he has not brought said slave into this State for sale but for his own private use; which affidavit shall be recorded in the Clerk's office of the Graves County Court, as heretofore provided by law: *And provided further*, that if said Pryor shall, at any time hereafter, sell said slave within this State, he shall incur all the pains and penalties of the said act of 1833, prohibiting the importation of slaves into this State.

Approved January 24, 1848.

CHAPTER 80.

AN ACT to enlarge the Constable's District, including the town of Hartford, in Ohio county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Constable's District, including the town of Hartford, in Ohio county, be and the same is hereby so enlarged as to include within the limits of said district, the mill and dwelling house of William Eidson.

Approved January 24, 1848.

CHAPTER 81.

AN ACT to change the name of Thaddeus Franklin, to that of Thaddeus Mortimer.

1848.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the name of Thaddeus Franklin, of the county of Livingston, be and the same is hereby changed to that of Thaddeus Mortimer.

Approved January 24, 1848.

CHAPTER 82.

AN ACT for the benefit of William B. Dunlap, of Shelby county.

WHEREAS, it is represented to the General Assembly of the Commonwealth of Kentucky, that Thomas G. Dunlap, the father and guardian of William B. Dunlap, has purchased of Henry Young, a small tract of land in the county of Shelby, and has paid for the same out of the moneys belonging to his ward; and, whereas, it is further represented, that said tract of land is adjoining another and larger tract belonging to the said ward, and that the said purchase will greatly redound to the advantage of the said ward. Therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Thomas G. Dunlap, father and guardian of William B. Dunlap, may file his petition in the Shelby Circuit Court, making the said William B. Dunlap a party thereto, and shall set forth in his petition the facts and circumstances of the case, and advantages which will result from the purchase of said land; and if the said Court shall be of opinion, from the facts and proofs made, that it would be to the interest of the said infant, to invest a portion of the estate of the said William B. Dunlap, in the hands of his said guardian, in the purchase of the said small tract of land, the said Court may decree that such investment may be made, and that the said tract of land may be conveyed, by deed of general warranty; and shall make all such orders and decrees in the case as shall, in the opinion of the Court, be necessary and proper: *Provided,* that the said guardian shall file, with his said petition, the evidences of title to the said small tract of land, and the Court shall be satisfied that the title thereto is good and valid.

Approved January 23, 1848.

CHAPTER 83.

AN ACT to establish the town of Priceville, in Hart county.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That a town, to be known and called

1848.

by the name of Priceville, shall be and the same is hereby established on the lands of James Corder, in Hart county, on the State Road leading from Munfordville to Litchfield, in Grayson county; and the Trustees hereinafter named, are hereby directed to cause said town to be laid off into lots, streets, and alleys, as they may think proper, and to have the same made out and recorded in the office of the Clerk of the County Court of said county: *Provided*, that not more than fifty acres of land are included within the limits of the town.

SEC. 2. That Christopher Board, Benjamin Copelin, Turner Gibson, Henry P. Lively and Marida Price, be and they are hereby appointed Trustees of said town, who shall possess powers and authority similar to those possessed by the Trustees of the town of Munfordville, Hart county, and shall continue in office for one year, from and after the first day of April next, and until their successors are duly elected and qualified.

SEC. 3. That it shall be lawful for the free white male citizens of said town, and those residing within one mile of the same, who are twenty-one years of age, annually to elect five Trustees for the government of said town; said election to be held on the first Monday in April, 1849, and on the same day thereafter in each year.

SEC. 4. That said Trustees, when vacancies occur in their body, shall have power to fill the same, until the next regular election. They may make such by-laws as they may deem necessary for the good government of said town, not inconsistent with the constitution and laws of this State; and they shall keep a complete and fair record of all their proceedings as Trustees. Before they enter upon the discharge of their duties, they shall take an oath, before some Justice of the Peace of said county of Hart, faithfully to discharge their duties as Trustees of said town.

Approved January 22, 1848.

CHAPTER 84.

AN ACT to legalize the laying off and surveying the town of Monterey, and change the place of voting.

WHEREAS, it is represented to the General Assembly, that the act to establish the town of Monterey, in Owen county, approved the — day of —, 1847, was not strictly followed by reason of the sickness and subsequent death of the Surveyor of Owen county. For remedy whereof,

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the survey of the town of Monterey, in Owen county, and the laying off of the same into lots, streets and alleys, heretofore made by Joel Herndon, be and the same is hereby made valid; and his plat and

certificate of the survey of said town, shall be returned to the office of the Clerk of the Owen County Court, under oath, on or before the 5th day of April next, for record, and the same shall be recorded by the Clerk at the expense of the proprietor of said town.

1848.

Sec. 2. That the appointment of Morgan B. Chinn, Harbin H. Ford, Dennis Burnes, C. P. Sanders and James R. Hallam, as Trustees of said town, by the Owen County Court, at the March term, 1847, be and the same is hereby legalized and made valid, as if the same had been made in due compliance with the act to establish said town.

Sec. 3. That the limits of said town shall be so construed as to include the residence of J. B. Calvert.

Sec. 4. That the election precinct now held at George Branham's, shall be removed to, and hereafter held in, some suitable house in the town of Monterey.

Approved January 22, 1848.

CHAPTER 85.

AN ACT regulating the jurisdiction of the Police Judge of the town of Shelbyville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That, hereafter, it shall not be lawful for any Constable or other officer to return a warrant in any civil suit before the Police Judge of the town of Shelbyville, where the defendant resides out of his district, and is an inhabitant of Shelby county, and when the defendant shall notify such Constable or other officer, in writing, that he does not desire the warrant to be so returned; but the same, in such case, shall be returned according to the requisitions of the fifth section of the act, entitled, "an act to amend the law concerning Constables," approved February 4th, 1820.

Approved January 22, 1848.

CHAPTER 86.

AN ACT directing a change of venue to Henry S. Logan and Benjamin Raburn.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the prosecution now pending in the Fleming Circuit Court against Henry S. Logan and Benjamin W. Raburn, upon a charge of larceny, shall be removed and transferred to the Carter Circuit Court, under the provisions of the act, entitled, "an act prescribing the mode for a change of venue in criminal cases," approved February 23, 1846.

Approved January 22, 1848.

1848.

CHAPTER 87.

AN ACT to amend the law incorporating the town of Proctor, in the county of Owsley.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the law incorporating the town of Proctor, in the county of Owsley, be so amended as to permit the citizens of said town to elect their own Trustees and other officers: *Provided,* said Trustees and other town officers shall be citizens of said town, and owners of real estate within the limits of said town.

Approved January 22, 1848.

CHAPTER 88.

AN ACT to amend the Road Law in Greenup county.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the act allowing one Commissioner of Roads to be elected in Greenup county, approved 20th February, 1836, be and the same is hereby repealed.

SEC. 2. That all the duties required to be performed by said Commissioner, shall be done and performed by the County Court of Greenup county.

Approved January 22, 1848.

CHAPTER 89.

AN ACT to remove the Seat of Justice of Mason county from the town of Washington to the City of Maysville.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the Seat of Justice for the county of Mason, be and the same is hereby removed from the town of Washington, and established in the City of Maysville; and the edifice erected in said city called the City Hall, and conveyed to said county, is hereby established as the Court-house, and the place in which the Circuit and County Courts of said county shall be held, after the first day of April next, on the days fixed by law; and the jail lately erected in said city, and conveyed to said county, is hereby declared to be the public jail of said county.

SEC. 2. That the Clerks of the Circuit and County Courts of said county shall, on or before the first day of April next, remove all the books, records and papers belonging and appertaining to the respective offices aforesaid, to the said Court-house in Maysville, and shall thereafter keep the said offices in such rooms in said building as he or they may elect, or the County Court may designate: *Provided,* that the room in the basement of said building, set apart and now used by the Mayor and City Council of the city

aforesaid, be and the same is hereby reserved for the use of the said city; and the city authorities of said city shall have the control of the clock in said building.

1848.

Approved January 22, 1848.

CHAPTER 90.

AN ACT for the benefit of John S. Bledsoe.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the election of John S. Bledsoe, as a Constable of Christian county, be and the same is hereby legalized; and that the acts of said Bledsoe be as valid and binding as though he had been legally appointed.

Approved January 22, 1848.

CHAPTER 91.

AN ACT for the benefit of the Clerk of the Fulton County Court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Clerk of the Hickman Circuit and County Courts, be and he is hereby authorized and required to deliver to the Clerk of the Fulton County Court, one copy of all the reports of the decisions of the Court of Appeals preceding the 4th volume of B. Monroe's Reports, where there are two copies in his offices, and take a receipt therefor from the Clerk of the Fulton County Court.

Approved January 22, 1848.

CHAPTER 92.

AN ACT to divorce William Wilkinson from his wife, Juliana Wilkinson.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That William Wilkinson, of the county of Warren, be and he is hereby divorced from his wife, Juliana Wilkinson, and is restored to all the rights and privileges of an unmarried man.

Approved January 22, 1848.

CHAPTER 93.

AN ACT for the benefit of Maj. Gen. Robert Martin.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Major General Robert Martin shall have time, until the first day of June next, to make his annual return for the year 1847, to the Adjutant General, without being subject to the penalties attached to his failure, until that time.

Approved January 22, 1848.

1848.

CHAPTER 94.

AN ACT for the benefit of Nelson D. Bennett.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Nelson D. Bennett be and he is hereby divorced from his wife, Eleanor Bennett, and is restored to all the rights and privileges of an unmarried man.

Approved January 22, 1848.

CHAPTER 95.

AN ACT for the benefit of Elizabeth Huffaker.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the marriage contract heretofore existing between Elizabeth Huffaker and Henry Huffaker, be and the same is hereby dissolved, so far as respects the said Elizabeth, and she is hereby restored to all the rights and privileges of an unmarried woman, and to her maiden name, Elizabeth Bryan.

Approved January 24, 1848.

CHAPTER 96.

AN ACT for the benefit of Thomas H. Hord and wife.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be lawful for Thomas H. Hord and Elizabeth A. Hord, his wife, late Elizabeth A. Young, to sell and convey all their right, title, interest and claim in a tract of land, containing about one hundred and twenty-five acres, in the county of Barren, which descended to the said Elizabeth A., from her father, Philip George Young, deceased; and any deed of conveyance which the said Thomas H. Hord and wife may seal and deliver, and acknowledge in the proper office, according to law, shall vest all the right, title and interest which the said Hord and wife have in said tract of land, to the purchaser thereof, as completely as if the said Elizabeth A. Hord were twenty-one years of age at the time of sealing, delivery and acknowledgment thereof: *Provided,* that no such conveyance shall pass the title to said land, unless the said Thomas H. Hord shall first have executed bond, with good security, in the penalty of one thousand dollars, payable to the Commonwealth of Kentucky, in the office of the Clerk of the Barren Circuit Court, conditioned that the proceeds of said sale shall be vested in real estate, and the title thereof secured to the said Elizabeth A. Hord; which bond may be put in suit by the said Elizabeth, or her heirs, for any breach thereof.

Approved January 25, 1848.

CHAPTER 97.

AN ACT to incorporate the town of Clifton, in Woodford county.

1848.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the town of Clifton, in the county of Woodford, which has been laid out and defined in the following boundary, viz: Beginning at a beech on the bank of the Kentucky river, at high water mark; thence N. 80° E. 39.5 poles to a stone at the top of the cliff; thence S. 10° E. 42 poles 15 links, to a stake standing N. 37½° E. 8 links from an oak, and N. 4° E. 7 links from a honey locust; thence S. 30° E. 42 poles 15 links to a stake standing between a hackberry and a hackberry stump; thence N. 26½° W. 41 poles 18 links to a sugar tree; thence N. 10° W. 34 poles 22 links to the beginning; shall be and the same is hereby established, and shall be known and called by that name.

Boundary.

SEC. 2. That James T. Berryman, Robert H. Berryman, E. N. Berryman, William Cotton and William B. Mitchum, be and they are hereby appointed Trustees of said town, and shall continue in office until the first Saturday in January next, and until their successors are duly elected and qualified: and on the said first Saturday in January next, and on the same day in every year thereafter, the free white male citizens of said town, who have attained the age of twenty-one years, and have resided in said town for the space of six months previous to the election, and those who may own lots therein, but do not reside therein, shall meet at some convenient place, in said town, to be designated by the Trustees of said town, then in office, and elect five Trustees, who shall continue in office for one year, and until their successors are elected and qualified: said Trustees, and their successors, shall be and they are hereby declared a body politic and corporate, by the name and style of the Trustees of the town of Clifton; and by that name and style may sue and be sued, plead and be impleaded, in all courts and places, and may have and use a common seal. No person shall be eligible to the office of Trustee who is not the owner of real estate therein, and hath been a resident thereof for six months previous to his election.

Trustees:
when and by
whom to be e-
lected.

Declared a
body corporate.

SEC. 3. That said Trustees, and their successors, shall have power to levy and collect a poll tax from the citizens of said town, subject to a county poll tax, not exceeding one dollar and fifty cents from each, and an *ad valorem* tax on the property in said town, now subject to taxation by the revenue laws of this State, not exceeding thirty cents on each one hundred dollars worth of property; and shall have power to appoint an Assessor, Collector, Clerk and Treasurer, and such other officers as they may deem necessary and proper; and shall have power, by ordinances and by-laws, to be passed by them, to prescribe and define

Trustees may
levy a tax, and
appoint officers.

1848.

the duties of all such officers; may fix their salaries, prescribe the tenure of their offices, and require of them bond with security for the faithful discharge of their respective duties.

May pass by-
laws, and by
whom executed.

SEC. 4. That said Trustees, and their successors, shall have power to pass by-laws and ordinances to prevent all disorderly conduct in said town; and the same may be enforced by warrant before any Justice of the Peace for Woodford county, to be executed by any Constable thereof: *Provided*, such by-laws and ordinances shall not be contrary to the constitution and laws of this State.

May contract
for improve-
ments, &c.

SEC. 5. That said Trustees, and their successors, shall have power to make contracts for the improvement of said town, in such manner as they may think proper, and pay for the same out of the funds raised by them by taxation, in pursuance of the provisions of this act; and shall have power to do and perform all such acts and things as shall be deemed necessary and proper for the well-being and good government of said town and its citizens.

Approved January 25, 1848.

CHAPTER 98.

AN ACT for the benefit of George Martin, of Greenup county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the prosecutions now pending in the Greenup Circuit Court against George Martin, on a charge of forgery and a charge of perjury, be removed from the Greenup Circuit Court to the Carter Circuit Court, under and pursuant to the act, entitled, an act prescribing the mode for change of venue in criminal cases, approved 23d February, 1846.

Approved January 25, 1848.

CHAPTER 99.

AN ACT to enlarge the Constable's District including the town of London.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Constable's District around and including the town of London, in Laurel county, be and the same is hereby enlarged and extended two miles each way from the Court House in said town.

Approved January 25, 1848.

CHAPTER 100.

AN ACT for the benefit of Achille Dubourg.

1848.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the marriage contract heretofore existing between Achille Dubourg and Julia Dubourg, his wife, be and the same is hereby dissolved, so far as respects the said Achille, and he is hereby restored to all the rights and privileges of an unmarried man.

Approved January 25, 1848.

CHAPTER 101.

AN ACT for the benefit of the Sheriff of Floyd county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Sheriff of Floyd county have until the first day of June next to settle with the Auditor, and pay into the Treasury the revenue collectable in said county for the year 1847: *Provided,* the sureties in the official bond of said Sheriff shall file with the Auditor their written consent to the passage of this act, on or before the tenth day of February next.

Approved January 25, 1848.

CHAPTER 102.

AN ACT for the benefit of Nathan B. Chism.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the marriage contract heretofore existing between Nathan B. Chism and Martha Chism, be and the same is hereby dissolved so far as respects the said Nathan, and he is hereby restored to all the rights and privileges of an unmarried man.

Approved January 25, 1848.

CHAPTER 103.

AN ACT to divorce Elvina House, and for other purposes.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That Elvina House be and she is hereby divorced from her husband, George House, and restored to all the rights and privileges of an unmarried woman, and to her maiden name of Elvina Embree.

SEC. 2. That the County Court of Clarke be and it is hereby authorized, in their sound discretion, to appoint, upon proper application, a guardian of the person and estate of Fanny C. House, the infant daughter of said George and Elvina; and the name of the said Fanny is hereby changed to that of Fanny C. Embree.

Approved January 25, 1848.

CHAPTER 104.

1848.

AN ACT for the benefit of Marie M. Gillis, and for other purposes.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That Marie M. Gillis be and she is hereby divorced from her husband, John Gillis, and restored to all the rights and privileges of an unmarried woman, and to her maiden name, Marie M. Maxwell.

SEC. 2. That the name of Marie Gillis, infant daughter of said Marie M., be changed to that of Marie Maxwell.

Approved January 25, 1848.

CHAPTER 106.

AN ACT to allow an additional Constable to Larue county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Larue County Court shall appoint an additional Constable for said county, who shall reside in the town of Hodgenville, in said county.

Approved January 25, 1848.

CHAPTER 108.

AN ACT for the benefit of the heirs of David Mize, deceased.

WHEREAS, it is represented to the present General Assembly, that David Mize, of Barren county, departed this life, devising, by his last will and testament, about seventy acres of land, with a mill situate thereon, in the county of Barren, to his wife during her life, but should she die before the youngest child arrived at full age, for said land to remain unsold until the coming of age of said child: and whereas, it is represented, that said widow has departed this life, and that Abner H. Snow, executor of said David Mize, deceased, has, by the consent and with the advice of said heirs, who are of full age, sold said land to one Sampson Jones, but is unable to make title, by reason of the non-age of some of the said heirs: and whereas, it is represented, that it is to the interest of all parties concerned that said sale shall be confirmed. Therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be lawful for Abner H. Snow, executor of the last will and testament of David Mize, deceased, to file a petition or bill in chancery, in the Barren Circuit Court, setting forth any contract or agreement he may have made with said Sampson Jones touching the sale of said land and mill, making said Jones and all the heirs of David Mize, deceased, defendants: and if, upon a full and fair presentation of all the facts, the Judge of said court shall be of opinion that it is to the interest of said

Executor to
file petition.

heirs that said sale made by said executor should be confirmed, it shall be lawful for said Judge to confirm said sale, and order and decree a conveyance, by his Commissioner, from the heirs of the said David Mize, deceased, to the said Sampson Jones, for the said tract of land, with all the appurtenances; which conveyance, when so made and acknowledged, shall vest the title, in fee simple, in said Sampson Jones. The said Judge is hereby vested with full power and jurisdiction to make all such orders, and to take all such steps as may be necessary to protect the rights of said infants, and to have the proper and effective right in said land conveyed to said Jones, as though all the parties were of full age.

1848.

Approved January 25, 1848.

CHAPTER 109.

AN ACT for the benefit of Patrick Hickman.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Patrick Hickman, a free man of color, residing in Lincoln county, shall be authorized and permitted to import into this State, from the State of Missouri, a slave, called Harrison, the son of said Patrick Hickman, without the said Patrick incurring the penalties prescribed by law for the importation of slaves.

Approved January 25, 1848.

CHAPTER 110.

AN ACT to incorporate the Richmond Cemetery Company.

Sec. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Daniel Breck, John Miller, J. B. Walker, W. Holloway, Curtis Burnam, J. F. Busby and Jef. Gordon, be and they are hereby made a body politic and corporate, in law, under the style and firm of the Richmond Cemetery Company, and by that name shall be able and capable, in law, to have and use a common seal, to sue and be sued, plead and be impleaded, and do all other things incident to a corporation. The said company shall have power to purchase any quantity of land in the county of Madison, not exceeding twelve acres, and receive a conveyance for the same, with such covenants of warranty as they may think proper. The land and appurtenances, when conveyed to said corporation, shall be held solely and exclusively for a cemetery and ornamental ground connected therewith, and shall never be alienated, sold or used by said corporation for any other purposes than burial lots, as herein prescribed. But the said corporation may permit their Superintendent or other officers to

Corporation,
and powers.

1848.

Proviso.

Grounds sub-
ject to State rev-
enue, but not to
be sold by exe-
cution.

No road shall
be opened but by
consent.

May take lega-
cies, &c.
How appro-
priated.

Corporation
may appoint
Trustees: their
duties, &c.

Shareholders
to elect Trus-
tees, and mode
of proceeding.

Election, how
conducted.

Term of ser-
vice.

On failure of
election, Trus-
tees in office
may cause an e-
lection to be
held.

Vacancies—
how filled.

Who shall be
entitled to vote.

use that portion of their grounds and buildings not sold for burial lots, for horticultural purposes: *Provided*, the same is used in a manner not inconsistent with reverence and respect due to the cemetery of the dead. The said grounds and fixtures, shrubbery, and every thing growing therein, shall always be subject to State revenue, but shall not, after the ground has been fully paid for, be subject to be levied on or sold, by execution or decree, for any other debt or cause whatsoever. No road or passway shall be opened through said grounds unless by the consent of the company. The said company may receive and take, by devise or bequest, any legacies that may be devised or bequeathed to them, to be appropriated solely and exclusively to the ornament and improvement of said cemetery and grounds, and may vest in State stocks, or loan out, any spare funds that, from time to time, they may have, but they shall never exercise or attempt to exercise any banking powers.

SEC. 2. A majority of the above-named persons, or of the survivors of them, shall have full power and authority to appoint a Board of Trustees, consisting of seven members, who shall elect one of their own number as chairman; said Trustees shall remain in office until their successors are qualified, and have power to fill any vacancies that may occur in their body, by death, resignation or removal. The term for which the first Board of Trustees shall serve, shall be designated and limited by those who appoint them, as above. After the first Board of Trustees have been appointed, as above, and have qualified, they, and their successors in office, shall exercise all the corporate powers of the corporation. The seven Trustees shall afterwards be elected by a majority of the shareholders who vote, once in every five years; due notice of the time and place of voting being first given by publication of four successive weeks in any newspaper published in Richmond; and the election shall be conducted by Judges appointed by the Board then in office. The Trustees, thus elected, shall remain in office five years, and until their successors are qualified. If any thing should prevent an election within the prescribed time, a majority of the Trustees in office shall have the power, and it shall be their duty, to call a meeting for, and cause an election of, their successors, as soon after as convenient. The Trustees shall, at all times, have the power to fill any vacancy that may occur in the Board, by death, resignation or removal. Death or removal from the county of Madison shall vacate the seat of a Trustee. Four Trustees shall constitute a quorum for the transaction of business. Each person owning burial lots, to the value of twenty-five dollars, shall be regarded as holding a share, and each share shall entitle the holder to one vote in the election of Trustees; but no person or body

corporate shall be entitled to cast more than five votes. When a share is vested in several persons, a majority of those present, at the time of voting, in whom the legal title to such share is, shall be entitled to cast such vote. The Trustees shall keep a regular record of their proceedings, and of all sales, transfers and disbursements, and shall always preserve an accurate map and survey of the ground and lots, and have the same recorded in the Clerk's office of the County Court of Madison. Each Trustee shall, before he enters on the duties of his office, make oath, before some officer competent to administer the same, that he will faithfully and impartially discharge the duties of a Trustee according to the best of his abilities, and will not be influenced in his conduct as Trustee, by sectarian or political partialities.

SEC. 3. As soon as the ground is purchased and the Trustees have qualified, they shall have power to lay out and ornament the same, and from time to time, alter, repair and add such buildings and fixtures as may be necessary for the use or ornament of the cemetery or grounds; and for the purpose of defraying the incidental expenses of the corporation, shall apply the funds belonging to the same. They shall have power to lay off, sell and convey, burial lots, either at public or private sale; to make, from time to time, by-laws and regulations for the control, management and care of the cemetery grounds and graves, and the mode of ornamenting the same, and regulate the mode in which bodies shall be interred, and make such other by-laws and regulations as may be necessary for the purposes of the corporation; they shall have full power to enter upon, and remove any ornaments, fixtures or shrubbery that may be placed on or around the graves against the by-laws and regulations of the corporation; they shall have the power to appoint, from time to time, such Superintendent, or other officers as they may think necessary, and take from them such bond as may be required. The proceeds of the sale of lots and all money that may come to the corporation from any other source, shall be applied first to reimburse those who have made advancements for the original outlay and purchase of the establishment, and shall, afterwards, in all time to come, be applied to ornament and improve the ground and defray incidental expenses.

SEC. 4. When a burial lot is purchased, the Trustees shall give a certificate thereof, under the seal of the corporation, which shall vest the purchaser with title. This title may be transferred according to such rules and regulations as may be prescribed by the by-laws of the corporation, but in no other manner. If not transferred by the grantee, it shall descend or pass, by devise, as other real estate. Such lots shall never be used for any other pur-

1848.

Trustees to keep record of proceedings.

Trustees to take oath.

Trustees may lay out and ornament grounds

Expenses, how defrayed.

May sell burial lots. Pass by-laws, &c.

May appoint Superintendent, who shall give bond, &c.

Proceeds of sales how applied.

Trustees shall give certificates of lots when sold.

Title may be transferred.

1848.

Penalty for
violating tombs,
graves, &c.

pose than burial lots, and if applied to any other use, the title shall revert to the corporation.

Sec. 5. If any person shall, forcibly and without lawful authority, violate any of the graves of the dead, or deface any of the tombstones, monuments or enclosures, or injure any of the grounds, shrubbery, fixtures or buildings, or in any manner damage the grounds of the corporation, such person or persons, so offending, besides being liable to an indictment for a misdemeanor, and punishable according to the discretion of a jury, shall be liable to the corporation in an action of trespass; and the damages, when recovered, shall be applied by the corporation to restore, as far as possible, any injury that has been done.

Approved January 25, 1848.

CHAPTER 112.

AN ACT for the benefit of the children of Thomas D. Helm, deceased.

WHEREAS, it is represented to the present General Assembly, that Thomas D. Helm, deceased, did, in his life time, lay off in small lots, for the site of a town in Breckinridge county, and made verbal contracts with several persons for the sale of some of said lots, upon which the purchasers have made improvements; and as some of the children of the said Thomas D. Helm are infants, and doubts exist whether they can be legally coerced to surrender their title, and the adult heirs of said Thomas D. Helm, viz: John T. Helm, and Benjamin D. Helm, and Sophia Helm, widow and administratrix of said Thomas, and Matilda J. Helm, by her guardian, Crawford Lowry, Lowry B. Helm, by his guardian, John T. Helm, and Sarah E. Helm, by her guardian, Benjamin D. Helm, have petitioned the Legislature for the passage of a law enabling them to pass their title to the respective purchasers. Therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be lawful for the widow and administratrix of said Helm, and his adult children and infant children, by their guardians, to file one or more bills in chancery, making the purchasers, or their representatives, defendants, in which bill each lot shall be designated as having been sold to the purchaser or purchasers, and the consideration thereof. Proof shall be taken as to the nature and extent of the contracts made by said Thomas; and if, upon the hearing of the cause, the Court shall be of opinion that, in justice and equity, said contracts should be affirmed, a decree shall be rendered, directing an execution of such contracts, and direct deeds to be made pursuant to said contracts; which deeds shall as fully and completely pass the title as if said infants were adults and had signed their own proper names, and shall, in any controversy

Administrator
and heirs may
file bill.

which may hereafter arise, involving the title, be read and regarded as evidence of title in those claiming under them.

1848.

Approved January 24, 1848.

CHAPTER 113.

AN ACT extending the limits of the town of Pleasureville, in Henry county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That, from and after the passage of this act, the law establishing and incorporating the town of Pleasureville, in Henry county, be and the same is hereby so amended as to include the houses and lots of John Monfort within the limits of said town, any law to the contrary notwithstanding.

Approved January 25, 1848.

CHAPTER 114.

AN ACT to incorporate the Book Concern of the Methodist Episcopal Church, South.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That John Early, Agent for the Book Concern of the Methodist Episcopal Church, South, his successor or successors, is hereby created a body politic and corporate, by the name of the "Book Concern of the Methodist Episcopal Church, South;" and as such, shall have perpetual succession, and by that name may contract and be contracted with, sue and be sued, and may have a common seal, and the same alter and renew at pleasure.

Style of incorporation.

SEC. 2. That said Book Concern of the Methodist Episcopal Church, South, shall be capable, in law, of holding property, real, personal and mixed, either by purchase, gift, grant, devise or legacy, and to sell and convey the same; but the value of the real estate so held, shall not exceed, in the city of Louisville, Kentucky, and elsewhere, one hundred thousand dollars: *Provided,* that all such property shall be held in trust only for the purposes of said Book Concern: *And provided,* that said corporation shall not be authorized or permitted to issue any certificates of loan, or by any device to issue a circulating medium to be used as money: *Provided further,* that this act shall not be at any time construed as conferring banking, or any other powers, except those expressly granted by it.

May hold property, &c.

Proviso.

Proviso.

SEC. 3. That the General Conference of the Methodist Episcopal Church, South, in the United States, shall elect and appoint the successor or successors of the said John Early, at any regular meeting thereof; and should an agent so appointed, die, resign or be removed from said agency, in the interval of said General Conference such vacancy may

Conference to elect successors, &c.

1848.

be filled in such way as the said General Conference shall prescribe; and the said John Early, and his successor or successors in office, shall hold the said agency, and conduct the business of the concern in conformity to the rules and regulations of the said General Conference of the Methodist Episcopal Church, South.

Act may be
modified
Provided.

SEC. 4. Any future legislature shall have the power to modify and repeal this act: *Provided*, such modification or repeal shall not affect the title to any real estate or personal property acquired or conveyed under its provisions.

Approved January 25, 1848.

CHAPTER 115.

AN ACT to amend the charter of the town of Paducah, and for other purposes.

Trustees may
sell Marine Rail
ways.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the Chairman and Board of Trustees of the town of Paducah may sell or lease, for a term of years, the Marine Railways now owned by said Chairman and Board of Trustees.

Purchase of
Cemetery legal-
ized.

May pass by-
laws to regulate
Cemetery.

SEC. 2. *Be it further enacted*, That the purchase, made by the Chairman and Board of Trustees, of thirty acres of land, in McCracken county, from Jefferson K. Clarke, for a Cemetery, be and the same is hereby legalized; and said Chairman and Board of Trustees may pass all such by-laws for the regulation of the same as they may think right, not incompatible with the penal laws of this State; and they may sell and convey, to individual purchasers or to societies, any of the lots in said Cemetery; and the title to any lot or lots sold, shall vest in said vendees, their heirs or successors, for the purpose of burying the dead, and for no other purpose, and shall not be subject to execution or sale for any debt or demand whatever.

Approved January 29, 1848.

CHAPTER 116.

AN ACT for the benefit of Pleasant H. Williams, of Clinton county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Pleasant H. Williams, of Clinton county, be and he is hereby authorized to import into this State, without incurring any penalty for the same, the following negroes, (slaves,) to-wit: Lucy, Caroline, Maria, Emily and William: *Provided*, said Williams shall, within sixty days from the time he imports said negroes into this State, make affidavit before some Justice of the Peace of said county, that he did not import said slaves for merchandise, but sole-

ly for his own use; which affidavit shall be delivered to the County Court Clerk, and by him filed and kept in his office. 1848.

Approved January 29, 1848.

CHAPTER 117.

AN ACT for the benefit of Richard Neil and Elizabeth E. Neil, his wife.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be lawful for Elizabeth E. Neil, wife of Richard Neil, of Shelby county, to join in the sale and conveyance of a tract of land of three hundred and sixty seven acres, more or less, a part of which descended to the said Elizabeth by the death of her father Wm. D. Cope, lying and being in Christian county, Kentucky; and a deed of conveyance, executed by the said Elizabeth E. Neil and her husband, Richard Neil, in conformity with existing laws, shall be effectual, in law, to pass the title, in fee simple, to the grantee, as if said Elizabeth was of full and mature age: *Provided*, that no such conveyance shall pass the legal title to said land, until the said Richard Neil execute bond, with two or more responsible securities, in at least double the value of the said Elizabeth's interest in said tract of land, (which is one half,) payable to the Commonwealth of Kentucky; which bond shall be executed before the Clerk of the Shelby County Court, and by him filed in his said office, conditioned that the proceeds of the sale of the interest of said Elizabeth shall be vested in real estate, and the title secured to said Elizabeth; which bond may be put in suit by said Elizabeth E. Neil, or her heirs, for any breach thereof.

Approved January 29, 1848.

CHAPTER 118.

AN ACT to amend the act to incorporate the Paris Cemetery Company.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the Trustees of the Paris Cemetery Company may, at any time hereafter, open books for the subscription of stock in said Company, due notice of time and place being first given, by advertisement in the Western Citizen; and any person subscribing for stock in said Company, shall be entitled to all the privileges and immunities of an original stockholder.

SEC. 2. That any person who may have subscribed for stock in said Company, since the time the books for the subscription of stock were closed by the Commissioners, shall be and are hereby, as to privileges, immunities and liabilities

Trustees may open books for subscriptions.

Subscribers since closing of books placed on same footing as subscribers previously.

1848.

ties, placed, in all respects, upon the footing of those stockholders who subscribed for stock at and during the time said books were open for subscriptions of stock.

Certificates of title to lots to be recorded, &c.

SEC. 3. That the certificates of title to lots, and all transfers of title, shall be recorded in the Clerk's office of the Bourbon County Court; the seal of the corporation being annexed to the certificate, shall be a sufficient authentication to admit it to record, but other transfers must first be acknowledged or proved, as is required by the laws now in force as to the conveyance of real estate.

Approved January 29, 1848.

CHAPTER 119.

AN ACT for the benefit of George T. Edwards, of Logan county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That all the right, title and interest which Charlotte Millikin, a free woman of color, owned and possessed in and to about twenty six acres of land, situate in the county of Logan, on Whipporwill creek, shall be vested in George T. Edwards, and shall not be escheated on account of said Charlotte having died without heirs: *Provided, however,* that this act shall not be construed to change the title or claim of any other person, except as above enacted.

Approved January 29, 1848.

CHAPTER 121.

AN ACT to amend the charter of the Covington and Lexington Turnpike Road Company.

Dividends to be used in completing road and paying debts.

Provided.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That all the dividends for the term of five years, from the 7th February, 1848, declared by the Covington and Lexington Turnpike Road Company, shall be used by the Board of Directors having the charge of said road, for the purpose of completing and continuing the same, and for the purpose of discharging such debt as the Directors of said Company may now owe on account of said road: *Provided,* that the assent of a majority of individual and corporate stockholders shall first be had; and to this end, the Board of Directors are directed to call a meeting of said stockholders, in the city of Covington and Georgetown, on or before the 1st of July next, at which meeting a poll shall be opened under the supervision of two Judges and a Clerk appointed by said meeting. In taking the votes of the stockholders, the same regulations shall be observed that are required by the charter of said Company in the election of

President and Directors. The Board of Directors shall advertise the time of meeting at least thirty days before the same shall take place, in the newspaper published in Georgetown, one in Covington, one in Cincinnati, and one in Lexington; and, upon counting the votes cast at such election, if a majority of votes cast be in favor of the dividends being appropriated according to the provisions of this act, the same shall be done, but not otherwise.

1848.

Approved January 29, 1848.

CHAPTER 122.

AN ACT to establish an additional Election Precinct in Caldwell county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That there shall be an election precinct established at the house of James Banister, on the south side of the Cumberland River, opposite the Rolling Works of Hillman, Van Leer & Co., in Caldwell county; and it shall be the duty of the County Court of said county to appoint officers to superintend the voting at said precinct, who shall be governed by the general law upon the subject of elections.

Approved January 29, 1848.

CHAPTER 123.

AN ACT for the benefit of Moses Kirkpatrick, of Monroe county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be lawful for Moses Kirkpatrick to import into this State, a negro man slave named Bill, without incurring the penalties of the law of 1833 against the importation of slaves: *Provided,* said Kirkpatrick shall, within sixty days after such importation, make affidavit before some Justice of the Peace for Monroe county, that he did not introduce said slave into this State for merchandise, but for his own use, and that he will not sell him within this State for five years.

Approved January 29, 1848.

CHAPTER 124.

AN ACT providing for a change of venue in the prosecution against Benjamin All.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That a change of venue is granted Benjamin All, who stands indicted in the Jefferson Circuit Court for passing counterfeit money, to the county of Spencer, in pur-

1848.

suance to an act, entitled, an act providing for a change of venue in criminal cases, approved February 13, 1848.
Approved January 29, 1848.

CHAPTER 125.

AN ACT for the benefit of Samuel Hogan, of Green county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be lawful for the Green County Court to levy, annually, any sum not exceeding fifty dollars, that said court may think proper, for the support of Samuel Hogan, without requiring him to be kept at the poor house in said county, so long as he may continue to live in said county and may be unable to support himself.

Approved January 29, 1848.

CHAPTER 126.

AN ACT for the benefit of Mary Terhoun, of Fleming county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be the duty of the Fleming County Court, and it is hereby authorized and empowered, at the March, April or May Term of said Court, to make an order for the support of Mary Terhoun, (a poor widow of said county,) in some private family, from year to year, during the life of said Mary. Said appropriation to be made from the county levy, and not to exceed sixty dollars for any one year, as to the said court may seem necessary for her support; to be paid annually, as other claims upon the county are paid, to such person as the said court may direct to receive the same.

Approved January 29, 1848.

CHAPTER 127.

AN ACT for the benefit of the children of William Arnette, and others.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be lawful for the Nicholas Circuit Court, upon bill filed by William Arnette, setting forth the facts and all the circumstances in relation to the conveyance of a tract of land of twenty five acres, by his father, Samuel Arnette and wife, and that it would be to the present and future interest and advantage of all his children to sell said tract of land and vest the proceeds of said sale in other lands in Kentucky, which bill shall be verified by the oath of said William Arnette, and shall make James W. Arnette, and all the children of said William Arnette, parties thereto; and when said children shall be legally be-

Authorizing
bill to be filed in
Nicholas Circuit
Court.

fore the Court, by themselves and their guardians, *ad litem*, it shall and may be lawful for said Court to decree a sale of said tract of land, upon such terms as said Court may deem advisable: *Provided*, said Court shall be of opinion, from the evidence by depositions taken in the case, that it would be to the present and future interest and advantage of all the children of said William Arnette, that said tract of land shall be sold, and the proceeds vested in other lands in Kentucky; and upon entering said decree, the Court shall appoint a Trustee for said children, who shall be required to enter into bond in double the estimated value of said tract of land, with good security, payable to said children, by name, jointly and severally, conditioned for the faithful performance of the decree; and said Court is hereby vested with full power and authority to make all orders and decrees necessary to pass the title to the purchaser, and to protect and secure the rights of all the children of said William Arnette in as ample and perfect a manner as can be done by a Court of Chancery.

1848.

Court may decree a sale.
Proviso.

Approved January 29, 1848.

CHAPTER 128.

AN ACT for the benefit of the widow and heirs of Samuel W. Bryce, deceased.

WHEREAS, it is represented to the General Assembly of the Commonwealth of Kentucky, that Samuel W. Bryce departed this life, holding a title bond on R. A. Walker for a tract of about 120 acres of land lying in the county of Crittenden, the purchase money of which has all been paid; and whereas, it is represented, that said decedent, in his lifetime, sold said land, by parol contract, to Harvey Minner, and died without executing to said Minner any conveyance, or written contract, for said land; and that Minner having paid a part of the purchase money, is willing to pay the balance and receive a conveyance; and whereas, it is represented, that unless said contract with said Minner is made effectual, some of the slaves of the estate of the said decedent will have to be sold to pay debts, and that it will be to the interest of the widow of said decedent, who is his administratrix, and of his heirs, who are infants, that said parol contract shall be confirmed. Therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be lawful for said administratrix, and the guardian of said heirs, to file a petition or bill in chancery, in the Crittenden Circuit Court, exhibiting the title bond aforesaid, and setting out the terms of the contract with said Minner, and the amount of the purchase money paid, and to be paid, and making said Walker and Minner defendants to said bill or petition; and if said Minner is wil-

Administratrix
and Guardian
may file bill.

1848.

ling to consummate said parol contract, and receive a conveyance for said land, and the Judge of said Court shall be of opinion that said contract with Minner should be confirmed, it shall be lawful for said Judge to confirm said contract, and order and decree said Walker to convey said land to said Minner, by such deed of conveyance as his title bond and the law requires him to make to the heirs of said decedent. And the Court is hereby vested with complete jurisdiction to make all such orders and decrees in the premises as shall be equitable between the parties. And the purchase money, already paid, and that which is still due, shall be paid into the hands of said administratrix, and shall be legal assets in her hands for the payment of debts.

Approved January 29, 1848.

CHAPTER 129.

AN ACT for the benefit of Joseph Hinkle, of Muhlenburg county.

WHEREAS, it is represented to the present General Assembly, that Barbara Hinkle, wife of Joseph Hinkle, of Muhlenburg county, is a lunatic, and that she was conveyed, by her said husband, to the Lunatic Asylum, where she was received on the 5th day of March last, and has remained there ever since: and, whereas, it appears that her husband's pecuniary circumstances are such as to render him unable to pay the expenses already incurred in maintaining his wife at the Asylum, and for her future maintenance at said Institution. Therefore,

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the expenses heretofore incurred by the said Joseph Hinkle, for the support of his wife Barbara, at said Asylum, be and the same are hereby remitted.

SEC. 2. *Be it further enacted,* That, in future, the Commissioners of said Asylum, be and they are hereby authorized and required to keep the said Barbara Hinkle at said Institution at the expense of the State, and free of charge to her husband, Joseph Hinkle.

Approved January 29, 1848.

CHAPTER 130.

AN ACT authorizing certain Deed Books of the Logan County Court to be transcribed.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Clerk of the Logan County Court shall procure suitable and well bound books, and transcribe therein all the deeds and other recorded writings in any one or more of the deed books now in the Clerk's office of

the Logan County Court that may be mutilated and defaced, that the deeds, and other recorded writings in such mutilated and defaced book or books may be preserved; and it shall be the duty of said Clerk to make complete indexes, in alphabetical order, thereto; and when said books are completed, they shall be carefully examined by the Court, and such examination shall be entered of record, and the approval thereof; and then the deeds, and other recorded writings so transcribed therein, shall be deemed as valid, for all purposes, as if they had not been transcribed; and it shall be the duty of said County Court to make a levy of a competent sum of money, upon the county, to pay the said Clerk therefor, as other levies of county charges are made.

1848.

Approved January 29, 1848.

CHAPTER 131.

AN ACT for the benefit of Benjamin Franklin Violet and William Bush, Jr.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the name of Benjamin Franklin Garret, be changed to that of Benjamin Franklin Violet, and that he hereafter be known and called by that name; and he is hereby made capable of inheriting, from St. Clair Violet, as though he were the legitimate child of said St. Clair Violet.

SEC. 2. *Be it further enacted*, That the name of William Bush, Jr., of Pendleton county, be and the same is changed to that of William P. A. L. Rountree, and by that name he shall hereafter be known and called.

Approved January 28, 1848.

CHAPTER 132.

AN ACT for the benefit of James S. Smallwood.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the Second Auditor of Public Accounts issue his warrant on the Treasury in favor of James S. Smallwood, for fifty dollars, in consideration of services rendered, and expenses incurred in lodging, boarding and taking care of Unice Smith, a lunatic, from the 27th day of September, 1846, to the 27th day of September, 1847; and that the Treasurer pay the same out of any money in the Treasury not otherwise appropriated.

SEC. 2. *Be it further enacted*, That the said James S. Smallwood, be and he is hereby appointed a committee for the said Unice Smith, whose duty it shall be, if he consents

1848.

to discharge the duties imposed by this act, to comfortably clothe, lodge, feed and otherwise take care of said Unice Smith. It shall be his duty to furnish her with a comfortable apartment, with suitable enclosure, to prevent her from running at large, and subject to public gaze. It shall be the duty of the Hardin Circuit Court, at its September term, in each year, to cause the said Unice to be brought into Court, and inquiry made as to the state of her mind and the manner she has been provided for; and if the Court shall be of opinion that said Unice is still a lunatic, an order shall be made, stating the fact, and that the said James S. Smallwood is entitled to pay for keeping her, at the rates of fifty dollars per year, which order shall set forth the time he has kept her. Upon a production of a copy of said order, by said Smallwood, or his assignee, it shall be the duty of the Second Auditor to issue his warrant to said Smallwood, or his assignee, on the Treasurer, for the sum appearing to be due. The Court shall have power, from time to time, to make an allowance for less than fifty dollars, or change the Trustee, if the provisions of this act shall not be complied with.

Approved January 28, 1848.

CHAPTER 183.

AN ACT to incorporate the Muddy River Navigation and Manufacturing Company.

Body corporate. SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That there be, and is hereby established and enacted, a body politic and corporate, to be known by the name and style of the Muddy River Navigation and Manufacturing Company, with a capital stock of fifty thousand dollars, divided into shares of one hundred dollars each, to be subscribed and paid for in the manner hereinafter specified, by individuals, companies and corporations; which subscribers and shareholders, their successors and assigns, shall be and are hereby created a body politic and corporate, by the name and style of the "Muddy River Navigation and Manufacturing Company;" and by that name shall be competent to contract and be contracted with, to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, in all courts and places.

Name and style.

Purposes of incorporation, and powers.

SEC. 2. That the office of said Company shall be kept in the town of Russellville, and its President shall reside in the county of Logan. The business of said Company shall be to construct a dam and lock in Muddy river, for the passage of steam boats, and other water crafts, and vessels; to erect grist mills, saw mills, or any other description of mills for manufacturing purposes, or to lease, for a term of years,

not exceeding twenty, the water power which may be created by the erection of their dam; or to use any part of such water power to propel machinery, and work mills erected by the Company, and to lease, as aforesaid, the residue or the whole of such water power to others; to employ managers, servants and hands, to superintend, conduct and manage the mills and factories which may be erected by the Company, and to operate in the same for the benefit of the Company; to purchase raw materials for the business carried on in any mill or manufactory erected and owned by said Company, and make any and all contracts necessary and proper to supply any such mill or manufactory with materials for conducting any business therein, in which the Company may engage; to vend and dispose of any manufactured article, made at any mill or manufactory, owned and conducted by said Company; and said corporation and body politic is hereby authorized and empowered to do all acts and things necessary and proper to carry into full effect, the purposes and business herein specified, and all the objects of this act.

SEC. 3. The said Company shall construct their dam and lock at such place, and of such height, as a majority of the Board shall direct.

SEC. 4. For the construction of their dam, lock, mills, manufactories, &c., the said Company is hereby authorized to acquire and hold, in fee simple, not exceeding fifty acres of land in one or more parcels; and in case the said Company, and the owners of the land which the Company may desire to acquire, cannot agree upon the price of the land, it shall be lawful for the said Company to apply, from time to time, to the Circuit Court for the county in which the land may be situated, to appoint three discreet freeholders as Commissioners, to examine the lands which said Company desire to acquire, and to lay off, by metes and bounds, and to value the same, and report their proceedings to said court. It shall further be the duty of said Commissioners to assess the value of rock, stone or timber, and the privilege of getting the same upon any lands not owned by the Company, and report the same to said court; and upon said Company paying to the owners and proprietors of the land, so laid off, the value thereof, or tendering the value thereof, said land, and the several parcels thereof, not exceeding fifty acres, shall vest in the said Company; and said court shall cause the same to be conveyed, in fee simple, to the said Company. A concurrence of a majority of the Commissioners shall be sufficient to determine the value and price of the lands, privileges, rock, stone and timber aforesaid: *Provided, however,* that said Company shall notify the owners and proprietors of the time and place of the meeting of the Commissioners a reasonable time before they assemble to make the examinations and valuations aforesaid.

1848.

May acquire
land, &c., and
how.

1848.

May demand
tolls, &c.

SEC. 5. It shall be lawful for said Company to demand and receive such tolls for the passage of boats, vessels and water crafts of every description, through their lock, as are allowed, received and collected for the passage of the same, or similar boats through the locks now owned by the State upon Green and Barren rivers.

May appoint
officers, and re-
move them.

SEC. 6. The business and affairs of said Company shall be under the control and management of a President and three Directors, a majority of whom shall be and are hereby authorized to determine and decide every question relating to the business of the Company. Said President and Directors shall superintend and conduct the business and affairs of the Company; employ engineers, agents, servants and laborers; appoint a Treasurer, Clerks, Lock Keepers and all other officers and agents necessary to conduct and manage the business and affairs of said Company: and every Engineer, Treasurer, Clerk, Agent, Servant and Officer, so appointed, shall be removable at the pleasure of said President and Directors.

Shall keep re-
cords, and de-
clare dividends.

SEC. 7. The President and Directors shall cause books to be kept, showing the expenditures of the Company, and for what purposes they were made, and the profits of the Company in each branch of business; and it shall be the duty of the President and Directors to report, annually, to the stockholders, the amount of said expenditures, by a detailed statement, exhibiting the several objects of expenditure, and the amount expended on each: also, the profits of the Company resulting from each branch of their business; and it shall be the duty of said President and Directors to declare, and pay over to the stockholders, such dividends, from time to time, as the profits may justify.

Vacancies to
be filled, and
how.

SEC. 8. The President and Directors shall have power to fill vacancies which may occur in their own body; and the person or persons so appointed to fill a vacancy, shall hold the office until the next ensuing election of a President and Directors, and until his successor shall have been duly qualified. The President and Directors shall fix the compensation to be paid the officers, agents and servants of the Company, and prescribe their duties; such officers, agents and servants shall give bond, with approved security, to the Company, for the faithful discharge of the duties required of them by the President and Directors. Such bonds shall be renewed from time to time, as required by the President and Directors, who shall have power to make by-laws, rules and regulations for their own government, for the government of the officers, agents and servants of the Company, and for the management and disposition of the property, estate, funds and business of the Company, and all matters appertaining thereto, not contrary to the provisions of this charter, or the constitution and laws of this State.

Officers, &c.,
to give bond.

SEC. 9. The Treasurer, Lock Keeper, Collectors and Clerks of said Company, or any one of them, who shall ap-

appropriate any of the funds of said Company to his own use, without the consent of the President and Directors, or who shall wilfully make false entries, or fail to make correct entries on the books of said Company, with the intent to cheat or defraud the corporation, or to hide and conceal any improper use made of the funds of the corporation by such Treasurer, Lock Keeper, Collector or Clerk, or any other person, shall be deemed guilty of felony, and shall, upon conviction thereof, be sentenced to confinement in the Jail and Penitentiary of this State, for a period of not less than one nor more than three years.

1848.

Penalty for
false entries.

SEC. 10. The stockholders may allow and fix a compensation for the services of the President and Directors, but no President or Director shall be allowed to vote as a stockholder in fixing his own compensation.

May fix salary
of officers.

SEC. 11. With a view to organize said Company, Theodore Becker, James C. Kenerly, Richard W. Courts, Alexander Overshiner and Bedford Williams, are appointed Commissioners to open books and receive subscriptions to the capital stock of said Company, and to superintend the first election of President and Directors; and any three of them shall be competent to exercise the powers and perform the duties required by this section.

Com'rs ap-
pointed.

SEC. 12. The said Commissioners shall have power, and they are hereby authorized and required, at any time within twelve months after the passage of this act, that they shall deem most expedient, to open books in the town of Russellville, or at such other point or points as they shall, in their judgment determine upon, for the subscription of capital stock in said Company; and cause said books to be kept open from ten in the morning until two o'clock in the evening for at least one month, and until the several shares in said stock shall be taken: *Provided*, said President and Directors shall ascertain that said dam and lock can be constructed for a less sum than the capital stock herein mentioned, then the President and Directors may, at their discretion, close said books, and re-open the same at any time or place which to them may seem expedient.

Com'rs to open
books, & when.

SEC. 13. When the Commissioners shall have closed the books, it shall be their duty to give notice thereof, in one or more newspapers printed in Russellville, and appoint a day and a place, in said town, for the election of the first Board of Directors, who shall hold their offices until the next succeeding election, and until their successors are duly qualified. Not less than three weeks previous notice shall be given of the time and place of holding said first election. The stockholders, in voting, shall designate the person voted for as President, and those voted for as Directors. Any three of said Commissioners shall conduct the election, receive the votes of the shareholders, decide who has been elected, and give to the persons elected a certificate of their

President, &c.,
to be elected, &
how.

1848.

election. The President and Directors, so elected, shall take an oath before some Justice of the Peace for Logan county, to act faithfully in the discharge of their respective duties as President or Director of said Company, before acting as such. Said President and Directors shall keep a record of their proceedings, and their Clerk, or other keeper of the record, shall make an entry upon such record of their qualification, and carefully file the Justice's certificate of the fact.

Subsequent
elections how
held.

SEC. 14. After the first election of President and Directors, all subsequent elections of said officers shall be held on the first Monday in June, annually, at the office of the Company in Russellville, and shall be conducted by such person or persons, not a stockholder, as the President and Directors then in office may select for that purpose; and the person or persons thus selected, shall receive the votes, decide who has been elected, and give to the persons elected a certificate thereof, who shall be qualified in the same manner as is prescribed for those elected at the first election. In voting, each stockholder shall be entitled to as many votes as he owns shares of stock; and any voter may, by a written power of attorney, authorize another to vote for him. The failure to hold an election in any one year shall not be cause of a forfeiture of this charter.

Contracts how
executed.

SEC. 15. All the written contracts of said Company shall be evidenced and made known by the President thereof signing the corporate name of the Company to the same, and attesting the same by his own signature, as President.

Stock how to
be transferred.

SEC. 16. The capital stock of said Company shall be assignable and transferable in such manner, and at such places only as the President and Directors shall prescribe in their by-laws: and certificates of stock shall be issued in such manner as may be prescribed in the by-laws, and delivered to the owner thereof when paid for; and the shares of the capital stock in said Company shall be considered and held in law as personal property.

Annual meet-
ings to be held.

SEC. 17. The general meeting of the stockholders shall be held annually on the first Monday in June, in the town of Russellville, at the time of the annual election for a President and Directors; and it shall be the duty of the President and Directors, at each annual meeting of the stockholders, to lay before them an accurate statement of the condition and affairs of the Company.

Stockholders
to be individu-
ally liable.

SEC. 18. The stockholders shall severally be liable for the amount of stock owned by him or her in the capital stock of said Company, in the payment of all debts and damages which the Company may incur; and in case of a deficiency of assets to meet the liabilities of the Company, it shall be lawful for any creditor or claimant against the Company to proceed against the individual stockholders of the Company, either at law or in chancery, to com-

pel them to pay the amount due by the Company out of their individual and private property: *Provided, however*, that no stockholder shall be liable, under such proceeding against him, either at law or in chancery, for an amount greater than the amount of stock owned by him in said Company.

1848.

SEC. 19. That said Company shall commence their dam and lock within two years after the election of the first President and Directors, and finish the same within five years after the same has been commenced; and in case of failure this charter shall be void and of no effect: *Provided, however*, said Company may sell and dispose of all their estate and property at any time after the Company is dissolved, and collect all debts due the Company, or which may become due thereafter.

When Dam & Lock to be commenced.

Approved January 28, 1848.

CHAPTER 134.

AN ACT for the benefit of the Dover and Minerva Turnpike, and Maysville and Germantown Turnpike.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the Dover and Minerva Turnpike Road Company shall have the privilege of extending the said road to Germantown, or to intersect the Maysville and Germantown Turnpike Road, at their discretion, upon the same terms and conditions, and with the same privileges that were granted them in making the turnpike from Dover to Minerva; and when completed, shall have the right to erect one gate thereon, with the same right of toll as is now secured by the charter.

Dover and Minerva.

SEC. 2. That the Maysville and Germantown Turnpike Road Company shall have the power to finish the remaining portions of said road by covering the same with rock or metal, sixteen feet wide, and broke of such size as may be determined by the Directors of said road; and when finished, may erect such gates as the charter authorizes.

Maysville and Germantown.

Approved January 28, 1848.

CHAPTER 135.

AN ACT allowing an additional Justice of the Peace to the county of Floyd.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the third section of an act, entitled, an act to allow an additional Justice of the Peace to Johnson county, and for other purposes, be and the same is hereby repealed; and that an additional Justice of the Peace be allowed to the county of Floyd.

Approved January 28, 1848.

1848.

CHAPTER 136.

AN ACT for the benefit of James Hambel, and for other purposes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the cross street on the north-west side of the public square of Whitesburg, and only running south-east to the limits of said square, be extended to the river, and that seventeen feet three inches of the width of said street, off of the north-west side of said street, be attached to James Hambel's lot, number sixteen: *Provided,* the said Hambel shall convey to the County Court of Letcher the land on which said cross street is to be extended by this act.

Approved January 28, 1848.

CHAPTER 137.

AN ACT to authorize Thomas Bratcher to raise his mill dam on Caney creek, in Grayson county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Thomas Bratcher, of Grayson county, be and he is hereby authorized to raise his mill dam on and across Caney creek, eighteen inches higher than it is at present, so that the dam aforesaid may be seven and one half feet high: *Provided, however,* that the Legislature may, at any time reduce the height of said dam, for the purpose of improving the navigation of said stream, or for other purposes.

Approved January 28, 1848.

CHAPTER 138.

AN ACT to amend the charter of the Western Baptist Theological Institute, at Covington, Kentucky.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the charter of the Western Baptist Theological Institute, located in Covington, be amended, and that the Board of Trustees be increased in number to the number of sixteen above the number now in office; and the following persons are now appointed members of the said Board of Trustees, and clothed with power to manage, control, and direct said Institute, in conjunction with the Trustees now appointed, to-wit: John S. Bush, H. C. Watkins, Leonard Stevens, James Robinson, D. R. Williams, Robert H. Ball, Tho. Y. Payne, Tho. Porter, Henry Wingate, Robert Scott, Arthur Peter, W. W. Gardner, Squire Helm, A. W. Larue, James M. Pendleton and Andrew Broadus.

SEC. 2. *Be it further enacted,* That, in all future appointments of Trustees, under the charter, the person appointed

shall be a citizen of Kentucky; and no appointment of a Trustee shall be made except at a regular meeting of the Trustees, when a majority of all the Trustees are present, and a majority of all the Trustees concurring in said appointment.

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Sec. 3. *Be it further enacted*, That no sale shall be made of the estate of said Institute, or any part thereof, except the same be directed at a regular meeting of the Trustees—a majority of all the Trustees being present, and a majority of all the Trustees concurring therein.

Approved January 28, 1848.

CHAPTER 139.

AN ACT establishing additional precincts in Floyd and Rockcastle counties.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That an election precinct be, and the same is hereby established in the county of Floyd, and the place of voting therein shall be at Isham Sloan's, on Caney creek.

Floyd.

Sec. 2. That an election precinct be, and is hereby established in the county of Rockcastle, and the place of voting therein shall be at the house of Alexander Barnett.

Rockcastle.

Approved January 28, 1848.

CHAPTER 140.

AN ACT to amend the Road Law of the county of Boone.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the same laws and regulations contained in "act to amend the road law in the county of Trimble," approved January 18, 1848, shall be and the same are hereby in force in the county of Boone, subject to like conditions contained in the 12th section of said act, except so much of the 1st section as relates to the tax to be imposed on each citizen residing within the limits of the respective road districts in the county of Boone, which shall not exceed three cents on each one hundred dollars, and a poll tax of one dollar and fifty cents on each road tytheable residing in the respective districts; and so much of the 1st section as requires the County Court to lay off the county into road districts, which by this act is required to be done at the September or October term of the Court, in the present year.

Sec. 2. *Be it further enacted*, That all acts or parts of acts coming within the purview of this act, be and the same are hereby repealed.

Approved January 28, 1848.

1848.

CHAPTER 141.

AN ACT to change the names of certain persons, and for other purposes.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the names of the following persons be changed according to their several petitions, viz: Sarah Ann Sexton to that of Sarah Ann Collins, and she is made capable, in law, to inherit as a legitimate child of Larkin Collins. Rosa Roark and William Wesley Roark to Rosa Hogg and William Wesley Hogg, and that they be made capable to inherit the estate of Hiram Hogg, as if they were his own children born in lawful wedlock. Harrison Banks to Harrison Adams. John Robinson to John Stamper. Dorety Robinson to Dorety C. Stamper. George W. Banks, Margaret Banks and Thomas Banks to George W. Collins, Margaret Collins and Thomas Collins, and made capable of inheriting the estate of their father, Robert Collins, as if they had been born in lawful wedlock.

SEC. 2. That the name of Maria J. Shelby, of Union county, be changed to that of Maria J. Delaney.

Approved January 28, 1848.

CHAPTER 142.

AN ACT authorising the Court of Assessment for the 106th Regiment of Kentucky Militia to hold the Court on the first Monday in April.

WHEREAS, it is represented to the present General Assembly, that the officers of the 106th Regiment of Kentucky Militia failed to hold the annual Court for the Assessment of Fines in said Regiment, in the year 1847, on the day prescribed by law. Therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be lawful for the officers of the 106th Regiment of Kentucky Militia to hold the Court for the Assessment of Fines in said Regiment, on the first Monday in April next: and the acts and doings of said Court shall be as binding, and have the same effect, as if done on the day prescribed by law for the annual meeting of said Court: *Provided*, the commandants of companies, in said Regiment, shall cause all delinquents to be notified of the time and place of holding said Court.

Approved January 28, 1848.

CHAPTER 143.

AN ACT to amend the act to establish a Female Academy in the town of Harrodsburg, approved February 9, 1829.

WHEREAS, the Presbyterian Church of Harrodsburg have procured sundry lots of ground, formerly in the possession

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of the Trustees of the Academy, adjoining the lot upon which said Church is erected, and which have been relinquished by said Trustees to said Church, and upon which has been built an extensive and commodious house for academical purposes, and in which a female school is now in operation, of more than on hundred female pupils. Therefore,

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That Dr. William Robertson, Samuel Walker, William McAfee, Louis McMurtry, Samuel Daviess, James Adams and Harvey Woods; and their successors, to be elected bi-annually on the first Saturday in April, by the members of said Church, be and the same are hereby constituted a body corporate, under the name and style of the Trustees of "the Harrodsburg Female Academy," with perpetual succession; and may have a common seal, and in that name may sue and be sued, plead and be impleaded; to acquire and hold estate, real, personal or mixed, by gift, bequest, purchase or otherwise; and the same to hold, sell and convey, to the only use and purpose of establishing, conducting and supporting said Academy, in said town of Harrodsburg, for the instruction and education of females.

SEC. 2. That said Trustees shall have power to appoint a Chairman or President to their Board, a Treasurer, Clerk, and all such officers and agents as they may deem necessary and proper for the proper management of the money, property and funds of said corporation. They shall have power to appoint a President and such under teachers and matrons as they may deem necessary and proper for the instruction and proper discipline of the pupils, and to remove any of their officers, when, in the opinion of the board the interests of the Academy may require it. They shall have power to enact by-laws and all needful regulations for the government of the Board of Trustees, their officers, instructors and pupils: *Provided*, the same are not inconsistent with the constitution or laws of this Commonwealth; and they shall have power to fill all vacancies occurring in the Board of Trustees. In the transaction of all business by the Board of Trustees, a majority shall constitute a quorum: *Provided*, that no principal teacher shall receive a permanent appointment, or be removed when appointed, without the concurrence of two thirds of the Trustees in office.

SEC. 3. That said Academy shall be open to all denominations of Christians, or others; and no peculiar sectarian doctrines shall be taught in said Academy, contrary to the wishes of the parents or guardians of the pupils.

SEC. 4. That it shall be lawful for the Trustees of the Mercer county Seminary, two thirds agreeing, to loan to the Trustees of said Academy such portion of the funds of said

1848.

Institution as they may choose, for the term of three years, without interest, or until otherwise directed by the Legislature, after that period, upon said Trustees giving bond and security to return said funds when thereunto required after said period.

SEC. 5. The right to repeal, alter or modify this act is reserved to the Legislature, but in no event shall the money or property be divested from the said Harrodsburg Church, but shall revert to their use and benefit.

Approved January 28, 1848.

CHAPTER 144.

AN ACT for the benefit of Mary D. Mosby and Daniel B. Mosby.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the marriage contract heretofore existing between Mary D. Mosby and Daniel B. Mosby, be and the same is hereby dissolved, so far as respects the said Mary, and she is restored to all the rights and privileges of an unmarried woman.

SEC. 2. *Be it further enacted*, That the marriage contract heretofore existing between Daniel B. Mosby and Mary D., his wife, be and the same is hereby dissolved, and said Daniel B. Mosby is hereby restored to all the rights and privileges of an unmarried man.

Approved January 28, 1848.

CHAPTER 145.

AN ACT for the benefit of Thomas St. Clair Lowe, and George Wilson Jones, and Amanda J. Miller.

T. S. Lowe. SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the name of Thomas J. Lowe be, and the same is hereby changed to that of Thomas St. Clair Lowe, and that he shall hereafter be known and called by the said name of Thomas St. Clair Lowe.

G. W. Jones. SEC. 2. That the name of Michael Wilson Kinkead be changed to that of George Wilson Jones, and that he shall hereafter be called and known by the said name of George Wilson Jones, and the said Jones is hereby declared and made capable of inheriting the estate of Hiram Jones, who has adopted the said George.

A. J. Miller. SEC. 3. *Be it further enacted*, That the name of Amanda J. Miller, of Harrison county, shall be and is hereby changed to that of Amanda J. Parmer.

Approved January 28, 1848.

LAWS OF KENTUCKY.

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CHAPTER 146.

AN ACT allowing an additional Constable to the county of Johnson.

1848.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That an additional Constable be allowed to the county of Johnson, who may reside in the Flat-gap neighborhood.

Approved January 28, 1848.

CHAPTER 147.

AN ACT allowing an additional Constable in Bath county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That an additional Constable be allowed to the county of Bath, and the County Court of said county, in making the appointment, shall have due regard to the wants of the neighborhood of John Lion, on Beaver creek, in said county.

Approved January 28, 1848.

CHAPTER 149.

AN ACT for the benefit of Rebecca Shields.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the marriage contract heretofore existing between John W. Shields and his wife, Rebecca Shields, be and the same is hereby forever dissolved, so far as relates to the said Rebecca; and that her name be changed to her maiden name of Rebecca Howard.

Approved January 29, 1848.

CHAPTER 150.

AN ACT to incorporate the Christian Church at Morganfield.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That Daniel Hopgood, Isham L. Sellers, Thomas Blackwell, Henry Gale and George W. Sellers, and their successors in office, shall be and they are hereby created a body politic and corporate, to be known and styled "The Trustees of the Christian Church at Morganfield, in Union county, Kentucky," and in their corporate name may, for the use of said Church, acquire and hold the right and title to two lots of ground in said town, heretofore purchased by said Church, and upon which a house of public worship has been erected; and are authorised to sell and convey the same, or any part thereof, whenever a majority of said Trustees, or their successors, may think

Corporators
names.

Name, style,
and corporate
powers.

1848.

proper, for the use of said Church, and vest the proceeds of sale in other grounds for the use of said Church. They shall have power to do any legal act, in changing said ground for the use of said Church, for the purpose of public worship of God, or for the purposes of a graveyard. Said Trustees shall have power to maintain any action for the safe-keeping and preservation of said lots and the appurtenances and improvements: *Provided*, that no sale and conveyance of said property, or any part thereof, shall be legal without a concurrence of a majority of the Trustees then in office.

Vacancies—
how filled.

SEC. 2. That, in the event of the death, resignation, removal or refusal to act, of any of said Trustees, the remaining Trustees, or a majority of them concurring, may appoint other person or persons to fill such vacancy or vacancies.

To keep a re-
cord.

SEC. 3. That said Trustees shall keep a record of their proceedings, and for this purpose shall, from time to time, appoint one of their own body Clerk, who shall act without compensation.

Approved January 29, 1848.

CHAPTER 153.

AN ACT to amend the charter of the City of Maysville, and for other purposes.

Citizens may
vote on license
question.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall be the duty of the City Council of the City of Maysville, to order a special election in the several wards in said city, on some day previous to the next annual election for Mayor and Councilmen, at which election the qualified voters of said city shall have the right, and they are hereby authorised to say, by vote, whether the City Council shall or shall not have and retain the power now held by them to license coffee houses and groceries for the sale of spiritous liquors by the small; and for that purpose a poll shall be opened by inspectors to be appointed to superintend the election in each of the wards of said city; and the Clerk of each ward, appointed to register the votes thereof at said election, shall make two columns upon the book, in which the votes are to be registered, which columns shall be headed, one "For Licenses," and the other "Against Licenses;" and each voter presenting himself at the election shall be asked—are you for or against the power being retained by the Council to grant licenses? And the vote of each voter shall be placed in the proper column. If a majority of those who vote at said election shall vote against the power being retained by the Mayor and Council, as aforesaid, the return of said election shall be recorded on the journal of the City Council at their

How vote to
be taken

Vote to be re-
corded.

next regular meeting after said election; and from the time of said record, the power of said Council to grant licenses to coffee houses, groceries or other establishments or persons, to retail spirits, as aforesaid, shall cease, until restored by act of the Legislature, or vote, as hereinafter provided.

1848.

SEC. 2. That the provisions of the foregoing act shall not be so construed as to take from the City Council, aforesaid, the power to grant, *bona fide*, tavern licences within the limits of said city, as many only as may be necessary for the accommodation of the citizens of said city and the public: *Provided*, that in the licensing taverns within said city, the City Council shall, in all respects conform to, and be regulated by, the general laws of the State prescribing the powers and duties of the County Courts of this State in respect to taverns and tipling houses, except that the tavern keepers in said city shall not be required to provide stabling for horses, &c.: *And provided further*, that the County Court of Mason county shall not grant any tavern license to any person within the City of Maysville, who has not first obtained a license from the City of Maysville.

Power to grant
tavern license to
be retained.

SEC. 3. That at any time after an annual election of Councilmen shall have taken place, subsequent to the vote herein authorised, the City Council may, upon the petition of a majority of the voters of said city, order another special election upon the question aforesaid, to be conducted as aforesaid; and if a majority of votes of those given, be in favor of licenses, then the Council shall have power to grant them as at present; if a majority shall be against licenses, the power shall cease, as is provided for, relative to the first vote.

Another spe-
cial election can
be ordered.

Approved January 29, 1848.

CHAPTER 154.

AN ACT for the benefit of John H. Boarman.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Dr. John H. Boarman, who intermarried with Mahala Ann Woolfolk, who was the widow of John F. Woolfolk, deceased, be and he is hereby permitted to remove out of the State of Kentucky, into any other State where slavery is tolerated, the following slaves, to-wit: Mimi, a woman about fifty years of age; Emarine, aged about twenty years, and Maria, a girl aged about thirteen years, the last two slaves having been allotted to the said Mahala Ann as dower in the estate of her first husband, John F. Woolfolk, deceased, without incurring the forfeiture now imposed by law for removing dower slaves out of the State of Kentucky: *Provided*, that he shall, before removing said slaves, or any of them, by petition in the Meade Circuit Court, ask the court to appoint two discreet house-

May remove
dower slaves of
wife out of the
State.

Petition to
Circuit Court to
be first filed, and
its objects.

1848.

Bond to be
given.Description to
be made out and
recorded.Bond to re-
main in Meade
Circuit Court.

keepers to view said slaves, and report to the court, in writing, a description of said slaves, and the value of each; and upon the coming in of such report, the said Boarman shall give bond, in a sum to be fixed by said court, with two good sureties to be approved by the court, and payable to the Commonwealth, conditioned to have said slaves and their increase, or such of them as may then be alive, delivered to such person or persons as may be entitled to them upon the death of said Mahala Ann: *And, provided further*, that it shall be the duty of the said Boarman to make out a written description of said slaves, and therein he shall state clearly the title by which he holds the same; and it shall be his duty to acknowledge, and have recorded in the proper office for the record of such papers, in the State to which he may remove. The bond directed to be taken by this act shall remain amongst the records of the Meade Circuit Court till the death of the said Mahala Ann, after which event the court may order it to be delivered to any one, or his, or her attorney, that may have rights under, and by virtue of it; and it shall further be the duty of said Boarman to cause to be transmitted to the Clerk of the Meade Circuit Court, a certified copy of the paper required by this act to be recorded in the proper office in the State to which he may remove; and the Clerk of the Meade Circuit Court shall record the same in his office.

Approved January 29, 1848.

CHAPTER 155.

AN ACT for the relief of George M. Green.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be lawful for George M. Green to bring into this State a negro woman, the wife of a negro man owned by him, together with her infant child, without incurring any responsibility therefor under existing laws: *Provided*, that, within sixty days after he shall have brought said slaves into this State, he shall make oath that he has imported said slaves for his own use and not for sale.

Approved February 2, 1848.

CHAPTER 156.

AN ACT for the benefit of Benjamin Berry, Jr., of Union county.

WHEREAS, it is represented to the General Assembly of the Commonwealth of Kentucky, that Benjamin Berry, Jr., of Union county, suffered great loss by the late destructive freshet in the Ohio river; and that a relative of his, in Virginia, proposes to sell to him ten negroes at a very reduced

price by way of restoring him to his former situation. Therefore,

1848.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be lawful for said Berry to import said slaves into this Commonwealth without incurring any of the penalties of the law now in force: *Provided,* that said Berry shall, within sixty days after said slaves shall be imported, go before the Clerk of the Union County Court and make oath that said slaves were imported into this Commonwealth in good faith, and for his own use; and that he will not voluntarily sell any of said slaves to remain in this Commonwealth, within three years after they are imported; a certificate of which oath shall be recorded in the Union County Court Clerk's office.

Approved February 2, 1848.

CHAPTER 157.

AN ACT to incorporate the Stickney Mining Company, of Crittenden county.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That John C. Stickney, John S. Gilliam, Thomas J. Phillips, Sumner Marble, William Wallace, Harvey W. Bigham, John M. Johnson, and their associates, successors and assigns, be and they are hereby created a body corporate, by the name and style of the Stickney Mining Company, for the purpose of mining and manufacturing lead and other metals in the county of Crittenden; and for this purpose they shall have all the powers and privileges, and shall be subject to all the duties and requirements contained and provided respecting such corporations in and by an act, entitled, "an act to establish a general law concerning manufacturing corporations," approved February 15, 1841.

Corporators
names

Objects of cor-
poration.

General law
to govern.

Sec. 2. That said corporation may hold real estate in said county, not exceeding the value of fifty thousand dollars; and the capital stock shall not exceed the value of two hundred thousand dollars.

May hold real
estate.

Sec. 3. That any future Legislature may alter, amend or repeal this act, whenever they may deem it proper so to do.

May be amen-
ded or repealed.

Approved February 2, 1848.

CHAPTER 159.

AN ACT for the benefit of John Thornhill, Betsey Thornhill, Priscilla Thornhill and Mahala Thornhill.

WHEREAS, James H. Coleman, committee of John, Betsey, Priscilla and Mahala Thornhill, idiots, was allowed for

1848.

their support, by the Grant Circuit Court, up to the first of July, 1846, and afterwards for the year 1847; and it being represented that said Coleman, was in fact, the committee of said idiots for the remainder of the year 1846, and did, at his own charge support them, but having omitted to apply for the allowance at the November term, 1846: on his application afterwards, the Court was of opinion it had no authority to make or certify the allowance for the omitted half year. Therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That, on the application of said James H. Coleman to the Grant Circuit Court, at the next term thereof, the Court shall hear the claim, and if it shall appear that he was, in fact, the committee of the said idiots, for the said time, and did in fact provide for and support them out of his own means and credit, the Court may allow and certify the claim to the Auditor, and thereupon the same shall be paid accordingly.

Approved February 2, 1848.

CHAPTER 160.

AN ACT to increase the jurisdiction of the Trustees of the town of Carrolton.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Trustees of the town of Carrolton be, and they are hereby authorized, out of any money now collected, or that may hereafter be collected under the laws now in force authorizing said Trustees to levy and collect taxes for the improvement of said town, to appropriate the sum of five hundred dollars for the purpose of erecting a town Hall in said town.

Approved February 2, 1848.

CHAPTER 161.

AN ACT for the benefit of Samuel Jarvis.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Samuel Jarvis, who stands indicted in the Knox Circuit Court on a charge of murder, be and he is hereby entitled to a change of venue from the county of Knox to the county of Laurel on condition that the said Jarvis shall comply with the provisions of an act, entitled, "an act prescribing the mode for a change of venue in criminal cases," approved February 23, 1846.

Approved February 2, 1848.

CHAPTER 162.

1848.

AN ACT to amend an act, entitled, an act to incorporate the Boone Turnpike Road Company, and for other purposes.

WHEREAS, it is represented to the General Assembly, that some doubt exists as to whether the Boone Turnpike Road Company, under its present charter, have the right to make said road to the Ohio river, at Carlton's Ferry, opposite the town of Rising Sun, in Indiana, the point contemplated; and whereas some doubt exists as to the legality of the proceedings of the President and Directors of said Company; and whereas it further appears that said Company are now organized and are speedily proceeding to the construction of said Turnpike. For remedy whereof,

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That it shall be lawful for said Company to construct said road so as to terminate at or near Carlton's Ferry, on the Ohio river, opposite the town of Rising Sun, Indiana.

Where to terminate road.

SEC. 2. That the organization and proceedings of said Company are hereby fully legalized.

Organization legalized.

Approved February 2, 1848.

CHAPTER 163.

AN ACT to incorporate the Cove Spring Academy, in the county of Boyle.

WHEREAS, it is represented to the present General Assembly, that John McLane, of the county of Boyle, has, by general warrantee deed, conveyed to Robert Tilford, A. G. Talbott, J. Sweeny, P. B. Mason and O. Garnett, all of the county and State aforesaid, except J. Sweeny, who resides in the county of Mercer, a certain lot of ground situated on the waters of Harrod's Run, upon which there has been built a house known and styled the Cove Spring Academy.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the above named gentlemen, acting Trustees, to-wit: R. Tilford, A. G. Talbott, J. Sweeny, P. B. Mason and O. Garnett, shall be and are hereby constituted a body corporate and politic, to be known by the name and style of the Trustees of the Cove Spring Academy; and by that name shall have perpetual succession and as a body use a corporate seal, and are authorized to exercise all the powers and privileges that properly and necessarily appertain to them in that character; and in case of the death, resignation, or other disqualification of any of said Trustees, or their successors, a majority of the remaining Trustees shall fill such vacancy, and the person so appointed, shall be vested with the same power and authority as if specially named in this act; and by the name

Corporators names.

Name, style, and corporate powers.

Vacancies—how filled.

1848.

May sue and
be sued.

and style of the Trustees of the Cove Spring Academy, may sue and be sued, plead and be impleaded in any court of law or equity, or before any tribunal having cognizance of the same.

May purchase
receive lands,
&c.

May sell lands.

May employ
teachers, fix sal-
aries and terms
of tuition.

SEC. 2. That the said Trustees, and their successors, shall have power, in their corporate capacity, to purchase or lease, or receive by donation, any lands, tenements, hereditaments, moneys, rents, goods and chattles, and to hold the same by the name aforesaid, to them and their successors forever, for the use of said Academy, and to sell alien, transfer and convey such lands, goods and chattles, and apply the proceeds to the use and benefit thereof, as well as the land already deeded to them by John McClane as named in the preamble to this act.

SEC. 3. That a majority of said Trustees shall have power to engage and employ a competent number of teachers to said Academy, to fix their salaries and the terms of tuition; and for the misconduct of any teacher or pupil may expel or dismiss such teacher or pupil from said Academy, and to do all other things necessary for the good government of said Academy.

Approved February 2, 1848.

CHAPTER 164.

AN ACT for the benefit of W. B. Price, and others.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be lawful for Anna Price, late Anna Ellis, daughter of William C. Ellis, deceased, and Eliza Ellis, widow of said deceased, and William B. Price, husband of the said Anna, to join in the sale of a tract of land devised to said Anna, by her father, William C. Ellis, lying and being in the county of Bourbon, containing fifty six and three quarter acres; and a deed of conveyance, executed by them in conformity with existing laws, shall be effectual to vest the title, in fee simple, in the grantee, as if the said Anna Price was of full and mature age: *Provided,* that no such conveyance shall pass the title to said land until the said William B. Price shall execute bond, with good security, in the penalty of five thousand dollars, payable to the commonwealth of Kentucky, in the Clerk's office of the Henry County Court, conditioned that the proceeds of sale shall be vested in real estate in the county of Henry, and the title secured to said Anna Price, which bond may be put in suit, by said Anna Price or her heirs, for any breach thereof.

Approved February 2, 1848.

CHAPTER 165.

1848.

AN ACT for the benefit of the widow and heirs of William Peters.

WHEREAS, it is represented that the late William Peters, of Woodford county, by his last will and testament directed his executors to make sale of his estate, at the death of his wife, and divide the proceeds among his children: and whereas, said estate being indebted, the widow of said William Peters, the adult heirs and executors, have deemed it advisable to make sale, at once, of about ninety acres of his land, with a view to save the personal property, which tract of land is separate from the home place; and the said widow and adult heirs and executors of said William Peters have made sale of said land: and whereas, there are two of the children of said Peters who are still infants, and not capable, in law, to join in a conveyance of said land to the purchaser: and whereas, a suit is now pending in the Fayette Chancery Court, in which county said land lies, praying the court to authorize said sale. Therefore,

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall be lawful for the Judge of the Fayette Chancery Court, in said suit, to enquire and ascertain whether it would be to the interest of said two infants that said sale shall be confirmed, and if he believes it to be, to enter a decree confirming the said sale: *Provided*, the purchaser consents thereto.

Power conferred on Fayette Circuit Court.

SEC. 2. That before the interest of said infants in the purchase money shall be paid to their guardian, he shall execute bond, with good security, to be approved by the court, conditioned according to the terms of the bond now required by law upon the sale of infant's real estate.

Money to be paid to guardian.
Bond to be given.

SEC. 3. That said court shall retain possession of the suit until the purchase money, coming to said infants, shall be fully collected, and then, and not before, shall order a deed to be made to the purchaser of said interests.

Suit to be retained until the purchase money is paid.

Approved February 2, 1848.

CHAPTER 166.

AN ACT to divorce Susan F. Norrell, and for other purposes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Susan F. Norrell, of Anderson county, be and she is hereby divorced from her husband, Alfred Norrell, and restored to all the rights and privileges of an unmarried woman, and restored to her maiden name of Susan F. Atkins.

Approved February 2, 1848.

1848.

CHAPTER 167.

AN ACT for the benefit of John H. Breeding and wife, and for other purposes.

Adair County
Court may levy
for Breeding &
wife.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the County Court of Adair county, (a majority of all the Justices concurring,) is hereby authorized and directed to lay a levy, not exceeding the sum of fifty dollars, for the benefit of John H. Breeding and his wife, Mary Breeding, of said county, on account of old age and extreme indigence.

May levy for
the support of
Sally McLarn-
ing.

Sec. 2. That said court shall be and is hereby authorized and directed to lay a levy for the benefit of Sally McLarning, for any sum not exceeding twenty five dollars.

Approved February 2, 1848.

CHAPTER 168.

AN ACT for the benefit of Joseph Decre:

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the name of Joseph Decret, of Clarke county, Kentucky, be and the same is hereby changed to Joseph Decre, which he represents as his original family name.

Approved February 2, 1848.

CHAPTER 170.

AN ACT to amend an act, entitled, "an act to incorporate the town of La Grange," approved January 23, 1840.

Boundary fix-
ed.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That so much of the county of Oldham as is embraced by the calls of the deed executed on the 21st day of May, 1827, by William Taylor to James Head and others, as Trustees of the town of La Grange, and also the lots laid off by William T. Barbour, sr., on the road leading from said town, eastwardly, together with the inhabitants thereof, be and the same shall hereafter be known as "The Town of La Grange."

Corporate pow-
ers.

Sec. 2. That the present acting Trustees of said town, as originally incorporated, and their successors in office, are hereby created a body politic and corporate, with perpetual succession, by the name and style of the Trustees of La Grange; and by that name and style are made competent, in law, to contract and be contracted with, sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, in all courts and elsewhere; and may have and use a common seal, the affixing of which, together with the signature of the Chairman, shall be a sufficient authentication of any order, deed or other instru-

ment of writing, which said Trustees are authorised to make or execute; and generally to do and perform all other acts and things consistent with the original act of incorporation, and this amendment thereto, which a body politic and corporate may lawfully do and perform.

1848.

Sec. 3. That so much of the act to which this is an amendment, as creates the town of La Grange into a body politic and corporate, be and the same is hereby repealed.

Repealing clause.

Sec. 4. That the Trustees of said town shall have power to make a code of by-laws for the government of said town, not inconsistent with the constitution and laws of the United States or of this State, and to enforce compliance with such by-laws, by imposing such penalties for their violation as they may deem proper: *Provided, however,* that the penalty shall not exceed twenty dollars; which penalty may be collected by suit in the name of the Trustees of La Grange, before any Justice of the Peace for Oldham county, who is directed, upon complaint made to him, by any of the Trustees, or by the Town Marshal, of any violation of said by-laws, to issue his warrant against the offender or offenders, returnable before any Justice of the Peace of said county, on some day within three days from its date, directed to the Town Marshal, or if he be interested, to any Constable of Oldham county; and the Justice before whom it shall be returned, shall try and adjudge the case according to law and the ordinances and by-laws of said town, and issue execution, when required, for the amount of the judgment and costs; which execution shall be directed to, and executed by, the Marshal, (unless he be interested,) in the same manner as Constables are directed by law to execute final process. Said Trustees shall also have full power and authority to pass all ordinances, by them deemed necessary and expedient, to compel the owners of lots or parts of lots fronting on the streets of said town, to pave the side walks, and grade and McAdamize or pave the streets in front of their lots or parts of lots, and to repair and renew the same, from time to time, and to cause proper curbstones be set up, said Trustees regulating the descriptions and dimensions of such curbstones, and the character and extent of the grading, McAdamizing and paving; and should any person, owner of a lot, or part of a lot, fail to comply with the order of the Trustees, in relation to said paving, grading, McAdamizing, or setting of curbstones, for two months after the time when he shall have received notice thereof, by having a copy of the order delivered to him or left at his usual place of abode by the Town Marshal, then said Trustees shall have full power and authority, having first made an entry on their records to that effect, to require the Town Marshal to let out said work to the lowest bidder, at public outcry, within ten days from the making of such order, said Marshal having given

May make by-laws.

May enforce by laws by penalties, and how recovered and applied.

May make ordinances for paving streets, &c.

Work may be let out by Town Marshal.

1848.

Notice to be given.

Cost of work to be assessed on lots, and lien given thereon.

Undertakers give bond.

Marshal may appointed: his duties and powers.

To give bond: its penalty and condition.

His fees.

Treasurer to be appointed.

To give bond.

Title to streets, &c., & lots not heretofore conveyed, vested in Trustees, with power to convey.

at least five days notice of such intended letting out, by written advertisement, at two public places in said town, and the amount of expense consequent upon the letting out of the work, may be recovered from the owner of the lot or part of lot, in front of which the work is to be done, by suit, in the name of the Trustees, in the same manner as before specified in case of the violation of a town by-law; and the amount of the cost of the execution of the work shall be assessed by the Trustees against the owner or owners of said lot or lots or part of lot or lots, and directed to be paid to the undertaker or undertakers of the work, who shall hold a lien on the lot or lots, or part of lot or lots in front of which the work is performed, for the amount assessed by the Trustees, which lien shall take effect from the day of the contract, to perform the work: *Provided, however,* that the undertaker or undertakers of the work shall enter into bond to the Trustees, with good security, in a penalty double the amount to be paid for the work, conditioned for a faithful performance of the contract.

SEC. 5. That the Trustees of said town shall have power to appoint an officer, to be called the Town Marshal of La Grange, who shall hold his office at their discretion, whose duty it shall be to observe and report to the Trustees, individually or collectively, or to a Justice of the Peace for Oldham county, all violations of the town ordinances; to execute all process to him directed, according to law, and to execute all the orders of the Trustees. Said Marshal shall enter into bond to the Trustees, with good security, in the penalty of five hundred dollars, conditioned for the faithful performance of his duty, and the payment, to the Trustees, of all sums which he may collect on their behalf. He shall receive the same fees as Constables are allowed by law for similar services; and for other services, such fees as the Trustees may allow, to be paid to him by the Trustees, and by them collected from the person or persons required to pay the same by law. Said Trustees shall also have power to appoint a Treasurer, who shall hold his office at their discretion, and whose duties shall be prescribed by them, for the faithful performance of which duties he shall enter into bond, to said Trustees, with good security, in such penalty and with such condition as they shall prescribe.

SEC. 6. That the legal title to the streets and alleys of said town, and also to the lots not heretofore conveyed by the Trustees of said town, forming part of the tract conveyed May 21, 1827, by William Taylor, to said Trustees, shall be and is hereby vested in the present acting Trustees, and their successors forever, who are hereby empowered to convey said lots in pursuance to contracts heretofore made, and also to sell and convey lot No. 1, in said town, heretofore set apart for a burial ground and found unfit for that purpose, in such manner, and on such terms

as they may deem best; said Trustees are further empowered to purchase, and have conveyed to them, and their successors and assigns forever, a suitable lot of ground for a burial ground for the town, which lot shall not contain more than four acres; and when purchased, they are empowered to enclose and divide the same into lots, and sell and convey the same to such individuals as may choose to purchase them for places of interment.

1848.
May purchase
burial ground.

SEC. 7. That the Oldham County Court, a majority of its members being present, are hereby authorized and empowered, by order entered of record, to relinquish to the Trustees of said town the interest of the county in and to the proceeds arising from the sale of the town lots in said town; and upon such relinquishment being made, the said Trustees are hereby empowered to expend the money thus arising, for the benefit and improvement of said town, and the purchase and enclosure, without the town limits, of a piece of ground for the purposes of interment.

City Court au-
thorized to re-
linquish certain
lots to Trustees.

Proceeds, how
to be applied.

SEC. 8. That all breaches of the peace, riots, routs, and unlawful assemblies occurring within the limits of the town, shall be reported by the Town Marshal to some of the Trustees, or to a Justice of the Peace, and shall be prosecuted in the name of the Commonwealth, for the benefit of the Trustees; and similar proceedings shall be had as are directed herein, in case of the violation of a by-law; and the money arising from fines, in such cases, shall be paid over to said Trustees by the town Marshal, to whom the Justice is hereby directed to issue the process in such cases as in case of a violation of a by-law; and the Justices of the Peace rendering judgments in pursuance to this section, are authorized to issue such final process as is allowable by law in breaches of the peace generally.

Town Marshal
to report riots.

Proceedings to
be had against
offenders.

Approved February 2, 1848.

CHAPTER 171.

AN ACT for the benefit of the Church of Christ on Chinoweth's run, in Jefferson county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be lawful for Robert Welch and Benjamin Smith, Trustees of the Church of Christ, at Chinoweth's run, in Jefferson county, to sell the lot of land, the same that was conveyed to Edward Tyler, deceased, by Maurice L. Miller, in the year 1821: *Provided,* that before any sale of said lot shall take place, a majority of the congregation worshipping in said Church, now on said lot, shall request such sale; and that the proceeds of such sale shall be invested by said Welch and Smith in the purchase of another lot, in the neighborhood, for the use of said congregation. The graveyard on said lot not to be sold.

Approved February 2, 1848.

1848.

CHAPTER 173.

AN ACT to incorporate the Columbian Mining Company of Crittenden county.

Corporators
names.

Objects of cor-
poration.

General law
to govern.

May hold real
estate.

May be amend-
ed or repealed.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That George F. Guild, Philip Greasley, John L. Tucker, John Brown, John R. Dow, Philo S. Shelton, Eben Wade, John C. Stickney, and such other persons as may become associated with them, their successors and assigns, be and they are hereby created a body politic and corporate, by the name and style of "The Columbian Mining Company," for the purposes of mining and manufacturing lead, and other metals, in the county of Crittenden; and, for this purpose, they shall have all the powers and privileges, and shall be subject to all the duties and requirements contained and provided respecting such corporations in and by an act, entitled, "an act to establish a general law concerning manufacturing corporations," approved February 15th, 1841.

SEC. 2. That said corporation may hold real estate, within said county, not exceeding the value of fifty thousand dollars; and the capital stock shall not exceed two hundred thousand dollars.

SEC. 3. That any future Legislature may alter, amend or repeal this act whenever they may deem it proper so to do.

Approved February 2, 1848.

CHAPTER 174.

AN ACT for the benefit of James G. Edens.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That James G. Edens, Jailer of Graves county, be allowed twenty-five dollars, on account of his having paid the same for the apprehension of two fugitives from justice; and that the Second Auditor be directed to issue his warrant upon the Treasurer for said sum, to be paid out of any money in the Treasury not otherwise appropriated.

Approved February 3, 1848.

CHAPTER 175.

AN ACT for the benefit of Franklin Darnell.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Franklin Darnell, of the county of Russell, be and he is hereby divorced from his wife, Keziah A. Darnell, and he is restored to all the rights and privileges of an unmarried man.

Approved February 3, 1848.

CHAPTER 176.

1848.

AN ACT for the benefit of the late Sheriff, and his Deputies, of Owen county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Jacob Smith, late Sheriff of Owen county, and his Deputies, William G. Simpson, Howard Todd, and H. H. Calvert, be and they are hereby authorized to collect any taxes or fee bills that may be due and coming to them for the years 1844 and 1845, in as full and complete manner as the said Sheriff and Deputies could do were they now in office; and that this privilege be granted to them for two years from the passage of this act, and no longer.

Approved February 3, 1848.

CHAPTER 177.

AN ACT to incorporate the Phi Mu Society of Shelby College.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That John Lane, Doddridge Hornsby, John Harbison, Robert Y. Jarvis, Charles Page and Addison Harbison, and their associates and successors, shall be and are hereby constituted a body politic and corporate, to be known by the name and style of the "Phi Mu Society of Shelby College;" and by that name shall have perpetual succession, and shall have power to make a common seal, and to alter, change and break the same at pleasure; may contract and be contracted with, sue and be sued, plead and be impleaded, in any court in this Commonwealth having jurisdiction of like sums; and shall have power to take and hold, for literary purposes, by gift, grant or devise, any estate, whether real, personal, or mixed, not exceeding in value the sum of ten thousand dollars; and said Society, a majority of its members concurring, shall have power to sell, exchange and convey, said estate, or any part thereof, for the use and benefit of said Society.

Corporators
names.

Name and
style, and cor-
porate powers.

SEC. 2. That the Phi Mu Society may elect, on the first day of March next, and at such other times thereafter as they may deem proper, a President, Vice President, Treasurer, Secretary, and such other officers as they may think fit to appoint and elect; who, upon their election, shall enter upon the duties prescribed by the constitution and by-laws of said Society.

President, &c.,
to be elected.

SEC. 3. That the Phi Mu Society shall have power and authority to ordain and establish such by-laws, rules and regulations for their government, which are not inconsistent with the constitution and laws of this Commonwealth, and the laws of Shelby College, as they may think proper.

May make by-
laws, &c.

SEC. 4. That the President, Vice President, Treasurer and Secretary of the Phi Mu Society, for the time being,

1848.

President, &c.,
to take and hold
estate.

and their successors, shall take and hold, the estate, goods and funds of the Society, and in law shall be considered the corporators; and, in their corporate capacity, may sue and be sued; and in all suits against the corporations, service of the process upon said President shall be considered good.

Goods, &c.,
vested.

SEC. 5. That the title of all goods, furniture, and other property now belonging to the Phi Mu Society, shall be as completely and fully vested in said Society, as if said property had been acquired after the passage of this act.

When Society
ceases to exist
property to vest
in Shelby Col-
lege.

SEC. 6. That in the case of the extinction of this Society, the title to the estate, real, personal or mixed, of said Society, shall be vested in the Trustees of Shelby College, who shall hold the same in trust, for the use and benefit of said Society, whenever revived.

Approved February 3, 1848.

CHAPTER 178.

AN ACT for the benefit of the Sheriffs of Bourbon, Clarke, Lincoln and Fayette counties.

Bourbon, time
to return delin-
quent list mus-
ter fines,

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the Sheriff of Bourbon county have further time, until the next meeting of the Court of Assessment, to return his delinquent list of muster fines for the year 1846.

Clarke, Lin-
coln and Fay-
ette the same.

* SEC. 2. That the Sheriffs of Clarke, Lincoln and Fayette counties be allowed further time, until the next Court of Assessment, to re-list and return their delinquent list of muster fines.

Approved February 3, 1848.

CHAPTER 179.

AN ACT to amend an act, entitled, an act to incorporate a College in Union county, styled the Henry Clay Institute, approved February 7, 1845.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be lawful for any three of the Trustees, named in the first section of the act to which this is an amendment, to meet at the Court House in the town of Morganfield, at any time within twelve months after the passage of this act, and appoint four other Trustees, who shall have all the powers conferred on the Trustees of the Henry Clay Institute by the act to which this is an amendment.

Approved February 3, 1848.

CHAPTER 180.

1848.

AN ACT for the benefit of William P. Ligon.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Receiver of Public moneys for the land district west of the Tennessee river, be authorized, and is hereby directed, to refund to William P. Ligon, of Graves county, fifty two dollars and eighty cents, which was paid by said Ligon for five fractional quarter sections of land lying in said district, and which has since been ascertained to be covered by a military claim: *Provided, however,* that before the money is refunded, the said Ligon shall release, on the records of the Receiver's office of said county, all manner of benefit, by reason of his entries of said lands.

Approved February 3, 1848.

CHAPTER 181.

AN ACT to incorporate the Lexington Female Institute.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That Rev. John H. Brown, William A. Leavy, James Weir, David Bell, Richard Pindell, James C. Todd and A. Skillman, members of the session of the Second Presbyterian Church, in Lexington, Kentucky, in connection with the West Lexington Presbytery, and their successors in office, shall be, and they are hereby constituted a body politic and corporate, designated and known by the name of the Trustees of the Lexington Female Institute; and by that name shall have perpetual succession, and a common seal, with power to change the same.

Corporators
names, and cor-
porate powers.

SEC. 2. *Be it further enacted,* That the said Institute shall be located in Lexington or its vicinity.

SEC. 3. *Be it further enacted,* That the said Trustees, or their successors, by the name aforesaid, shall be capable, and they are hereby empowered, to purchase, receive and hold, to them and their successors, for the use and benefit of said Institute, any lands, tenements, rents, goods, chattles, hereditaments, books and philosophical apparatus, which shall be purchased by, given to, or devised to them for the use of said Institute.

May purchase
and hold lands,
&c.

SEC. 4. *Be it further enacted,* That said Trustees, by the name aforesaid, may sue and be sued, plead and be impleaded, in any court of law or equity in this State; and they may make such by-laws, rules and regulations, for the government of said Institution, as to them may seem good or necessary, and do any other act which similar corporations may of right do: *Provided,* they be not contrary to the constitution and laws of this State.

May sue and
be sued, and
make by-laws.

SEC. 5. *Be it further enacted,* That the said session, and their successors, shall, annually, appoint additional Trustees, so that the whole number shall not exceed eleven, any

Trustees to be
appointed.

1848.

six of whom shall constitute a quorum to transact business.

Failure to appoint Trustees not to dissolve corporation.

SEC. 6. *Be it further enacted*, That should there be, for any cause, a failure to appoint additional Trustees, annually, by the said session, the corporation, for that cause, shall not be dissolved, but the Trustees shall continue in office until their successors are appointed; said session shall have the power to fill vacancies, from time to time, as they shall occur.

Faculty of Teachers to be appointed.

SEC. 7. *Be it further enacted*, That the said Trustees, or a majority of them, shall have the power to appoint the faculty and teachers in said Institute, and the same to remove at pleasure. They shall also regulate the tuition fees in said Institution, and the academic year thereof.

Trustees to prescribe by laws, &c.

SEC. 8. *Be it further enacted*, That the said Trustees, shall have power to prescribe the by-laws and rules of said Institute; and may, for good cause, suspend or expel a student thereof.

To prescribe course of instruction, & determine all complaints.

SEC. 9. *Be it further enacted*, That it shall be the duty of said Trustees to prescribe the course of instruction in said Institution, to hear and determine all complaints arising between teachers and students, and to appoint visitors to said Institution, whose duty it shall be to attend the monthly examinations of the pupils thereof, and to superintend all public examinations of the students, and make report and publication thereof.

Approved February 3, 1848.

CHAPTER 182.

AN ACT for the benefit of Mary Jane Eals, an Idiot.

WHEREAS, John Eals, committee of Mary Jane Eals, an idiot, of Grant county, was allowed for her support by the Grant Circuit Court up to the first day of July, 1846; and afterwards, for the year 1847; and it appearing that the said John Eals was, in fact, the committee of said idiot for the remainder of the year 1846, and did, at his own charge support her, but having omitted to apply for an allowance at the November term, 1846, on his application afterwards, the Court was of opinion it had no authority to make or certify the allowance for the omitted half year. Therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That, upon the application of the said John Eals to the Grant Circuit Court, at the next term, the Court shall hear the claim, and if it shall appear that he was, in fact, the committee of said idiot for said time, and did, in fact, provide for and support her out of his own means and credit, the Court may allow and certify the claim to the

Auditor, and thereupon the same shall be paid accordingly.

1848.

Approved February 3, 1848.

CHAPTER 183.

AN ACT for the benefit of M. R. Stealey, late architect of the Penitentiary buildings.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Commissioners of the Sinking Fund, under whose control the said buildings were placed, by the act of the 14th of February, 1839, be and they are hereby authorized to settle with M. R. Stealey, for his services as Architect and Engineer of said buildings, and pay over to him any amount which may be found justly due him from the State for such services: *Provided nevertheless,* that such amount shall not, in any event, exceed three hundred dollars.

Approved February 3, 1848.

CHAPTER 184.

AN ACT to incorporate the Flemingsburg and Poplar Plains Turnpike Road Company.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That a Company shall be and is hereby formed, under the name and style of the Flemingsburg and Poplar Plains Turnpike Road Company, for the purpose of making a turnpike road from the town of Flemingsburg to the town of Poplar Plains, in the county of Fleming. That the capital stock of said Company shall not exceed twenty thousand dollars, to be divided into shares of one hundred dollars each. That books shall be opened for the subscription of stock in the town of Poplar Plains on the first Monday in March next, or as soon thereafter as the Commissioners may direct, under the direction of Ethelbert Logan, Joseph Secrest, Elijah Hart, Samuel C. Pearce and James P. Fant, who are hereby appointed Commissioners for that purpose, any two or more of whom may act; the books shall be kept open until the full amount of stock is subscribed, or so much as may be deemed sufficient, in the judgment of the Commissioners, or of the President and Directors (when elected,) to complete said road. The Commissioners shall procure a book, and the subscribers to the stock of said Company shall enter into the following obligation in said book, to-wit: We, whose names are hereunto subscribed, do promise to pay the President, Directors and Company of the Flemingsburg and Poplar Plains Turnpike Road Company the sum of one hundred dollars for

Name and style, & objects of incorporation

Capital.

Books to be opened: when, where and by whom.

Obligation of subscribers.

1848.

each share of stock set opposite to our names, in manner and proportion, and at such times as may be determined by the President and Directors, and agreeably to an act incorporating said Company." Witness our hands.

Meeting to be
called to elect
President, &c.

Manner of vo-
ting.

President &c.,
take an oath.

Treasurer to be
appointed.

To give bond :
penalty and con-
dition thereof.

Corporate
powers.

SEC. 2. That whenever seventy five shares of stock shall have been subscribed, it shall be the duty of the Commissioners who have acted, or a majority of them, in receiving the subscriptions aforesaid, to call a meeting of all the subscribers, at the town of Poplar Plains, by giving notice thereof, at public places, by advertisement, in the towns of Flemingsburg and Poplar Plains, for the purpose of organizing, by the election of a President and Directors; at which election, at least three of the Commissioners, above named, shall be present, one of whom shall act as President of the meeting, and proceed to take the vote by ballot, of the stockholders, who shall have the right to vote in person or by proxy, under power of attorney—each stockholder having one vote for every share he holds, for a President and four Directors, who shall hold their offices for one year, and until others are elected and qualified. The President and Directors shall, before they enter upon the duties of their office, take an oath, before some Justice of the Peace, that they will well and faithfully discharge the duties of President and Directors, as the case may be, without favor or affection, and according to the best of their judgment. That said President and Directors shall have power to appoint a Treasurer and such other officers as they may deem necessary, who shall hold their offices for one year, and until others shall be appointed. The Treasurer shall, before he enters upon the duties of his office, give bond with one or more securities, in the penalty of five thousand dollars, payable to the Flemingsburg and Poplar Plains Turnpike Road Company, conditioned that he will faithfully discharge the duties of Treasurer of said Company, and that he will, when called on, pay the amount of money in his hands to the order of the President and Directors of said Company, and that he will perform the duties required of him by the by-laws of said Company. When said Company shall be thus organized, they shall be, and are hereby created a body politic, and as such shall be competent to contract and be contracted with, sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, in all Courts and places in the Commonwealth, with power to acquire, hold and possess, use and occupy, all such real estate as may be necessary and convenient for the site or route of said road, for piers and abutments of all bridges that may be necessary, stone, gravel, sand and earth, for the construction and repair of said road; and to have and use a common seal, and the same to alter and renew at pleasure; to make and ordain all such by-laws as may be necessary for the construction, formation

and repair of said road, not contrary to the constitution and laws of this State.

SEC. 3. That the provisions of an act of the General Assembly of Kentucky, approved February 26, 1847, entitled, an act to incorporate the Carlisle and Sharpsburg Turnpike Company, except wherein said act may be local and inapplicable, shall be and the same is hereby enacted and adopted as applicable, and to govern the Company incorporated by this act.

1848.

Charter of Carlisle and Sharpsburg Turnpike Co. adopted.

Approved February 3, 1848.

CHAPTER 185.

AN ACT to divorce Joseph L. Craft from his wife, Hannah Craft, of Boone county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the marriage contract heretofore existing between Joseph L. Craft, of the county of Boone, and Hannah, his wife, be and the same is hereby dissolved, and that said Joseph L. Craft be entitled to all the rights and privileges of an unmarried man.

Approved February 3, 1848.

CHAPTER 186.

AN ACT for the benefit of Eveline Adams.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Eveline Adams shall be and is hereby divorced from her husband, Harvey Adams, and restored to all the rights and privileges of an unmarried woman.

Approved February 3, 1848.

CHAPTER 187.

AN ACT to divorce Sarah Lane, and others.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That Sarah Lane be and she is hereby divorced from her husband, Elkannah Lane, and that she be restored to all the rights and privileges of a single woman, and that her name be changed to Sarah Bird.

Sarah Lane.

SEC. 2. *Be it further enacted,* That Elizabeth Short be and she is hereby divorced from her late husband, James Short, and restored to her maiden name of Elizabeth Taylor.

Elizabeth Short.

SEC. 3. *Be it further enacted,* That Mary F. Campbell, of Caldwell county, be divorced from her husband, Thomas Campbell, and restored to all the rights and privileges of

Mary F. Campbell.

1848.

an unmarried woman, and restored to her former name of Mary F. Duncan.

Approved February 5, 1848.

CHAPTER 188.

AN ACT divorcing Mary Fenley, of Shelby county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the marriage contract heretofore existing between Mary Fenley, of Shelby county, and her husband, William C. Fenley, be and the same is hereby dissolved, so far as respects the said Mary, and that she be restored to all the rights and privileges of an unmarried woman.

Approved February 5, 1848.

CHAPTER 189.

AN ACT to amend an act, entitled, an act to incorporate the Dry Run and Covington Turnpike Road Company.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the style and corporate name of said Company be and is hereby changed to that of the Dry Creek and Covington Turnpike Road Company, and as such it shall in future be known and styled.

Original charter amended by Dry creek instead Dry Run.

SEC. 2. That wherever Dry Run occurs in the original charter, the same be changed to Dry Creek: *Provided, however*, that no proceedings which may have been had under the original charter shall thereby be vitiated.

Road to extend to Dry cr'k and Company to build bridges.

SEC. 3. Said road shall extend to the west bank of Dry Creek, across which said Company are required to erect a suitable and substantial bridge, or culvert, at the most suitable point, for the accommodation of the travel on said road; and in no event will said Company be allowed the privilege of exacting toll for the mere crossing of said bridge.

Meeting when called, & where.

SEC. 4. That so soon as one hundred and twenty shares of the stock shall have been taken, or subscribed for, the Commissioners shall have power to call a meeting of subscribers at the town of Ludlow, or the most suitable and convenient place in the vicinity, first giving ten days' notice thereof, by advertisement, at three different points on the proposed route, as also, in one or more papers published in the city of Covington.

Notice given.

Election of officers how conducted.

SEC. 5. The power of holding and conducting the election of the officers of said Company, shall be vested in any three of the Commissioners who may be present; when the subscribers, or a majority of them, shall, in pursuance of the notice, have assembled, they, or a majority of them, representing the larger amount of the shares, shall proceed to the election of a President and four Directors, who shall hold

their offices for one year after said election, or until their successors are elected and qualified.

SEC. 6. The route of said road shall be determined by the Board of Directors, a majority of them concurring therein, the general direction being with the Ohio river. Three Directors, or the President and two Directors, shall constitute a quorum.

SEC. 7. That when three and one half continuous miles are completed, a gate may be erected across said road, and tolls exacted for traveling thereon, in the proportion to the rates allowed for five miles travel thereon: *Provided*, that before any tolls shall be exacted, said Company shall have erected and completed good bridges, or culverts, across Dry Creek and Pleasant Run.

SEC. 8. That said Company shall have power to proceed in condemning lands, quarries, stone, gravel, lumber, dirt, or other material, for the use of said road, in the manner prescribed by the general laws of this Commonwealth.

SEC. 9. That the annual election for President and Directors of said Company, shall be held on the first Saturday in April, of each year; but if, from any cause, the election shall not be holden on that day, then the Board in office shall order a meeting to be held at the earliest practicable day, first giving fifteen days public notice of the same, in the same manner as before prescribed in the fourth section of this act. All vacancies which may occur, shall be filled by the remaining members of the Board; yet no one shall be elected or appointed to hold the office of either President or Director, who shall not be a resident of the county of Boone or Kenton; and should either the President, or any one of the Directors, remove from either of the aforesaid counties into any other, said office shall be declared vacant.

SEC. 10. The books of subscription shall remain open until the whole of the capital stock shall have been taken, or enough to complete the road; and persons may subscribe at any time until the books are closed. After the election of the first Board of Directors, the books shall be subject to their control.

SEC. 11. That all acts, or parts of acts, coming within the purview of this act, be and the same are hereby repealed.

Approved February 5, 1848.

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Route of road
how determined

Quorum.

When a gate
may be erected
and tolls collec-
ted.

Proviso.

Power to con-
demn lands, &c.

Annual elec-
tion where held.

Vacancies how
filled.

Who shall be
officers, &c.

Books for sub-
scription how o-
pened, &c.

CHAPTER 190.

AN ACT for benefit of William T. Long, of Clinton county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That William T. Long be, and he is hereby authorized to import into this State, a negro girl named Mary, from the State of Tennessee, any law to the contrary notwithstanding: *Provided*, the said Long shall, within sixty

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days after importing said slave, make affidavit that said slave was imported for his own use and not for merchandise; which affidavit shall be entered of record in the Clinton County Court Clerk's office.

Approved February 5, 1848.

CHAPTER 191.

AN ACT to incorporate the Trustees of the Bethlehem Cumberland Presbyterian Church, in Caldwell county.

Name of corporation, and style.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That David B. Glenn, James Wilson, Joseph A. Mott, Francis Machen and D. S. Dodds, be and they are hereby created a body corporate, by the name and style of the Trustees of the Bethlehem Cumberland Presbyterian Church, in Caldwell county.

Trustees: their powers, &c.

SEC. 2. The said Trustees are hereby invested with the title, to hold the same in trust, in and to a certain lot, containing four acres of ground, in Caldwell county, being the same conveyed by Adam Perkins to the said Church and congregation, by his deed, recorded in the Clerk's office of the Caldwell County Court, in "folio B. page 390," and they are authorized and empowered to erect, upon said lot of ground, a house for religious worship; to lay out a graveyard, and erect a pound for horses, for the use and benefit of said Church and congregation, as a place for the public worship of God, forever, and to be under the control and management of said Board of Trustees, and their successors in office, for the purposes aforesaid.

May hold real and personal estate.

SEC. 3. The said Board of Trustees, and their successors, are hereby authorized and empowered to hold, by gift, grant or contract, any amount of real and personal estate in said county, not exceeding in value the sum of five thousand dollars, for the purpose of appropriating the same as a dwelling house and parsonage for such minister of the gospel as may officiate statedly for said congregation, from time to time, and to hold the title to the same, in trust, as the property of said Church and congregation.

Vacancies—how filled.

May sue and be sued, &c.

SEC. 4. The said Board of Trustees may have perpetual succession. A majority may fill any vacancy that may take place in said Board. The said Trustees may sue and be sued in the Courts of this Commonwealth, in all cases where it may be necessary to enforce any contracts made by them, respecting said property, in the erection of buildings and improvements upon the same, or for the preservation of the same from trespass, and may do any and every lawful act for the purpose of preserving and keeping said property, for the uses specified in the foregoing sections.

Quorum, how constituted.

SEC. 5. A majority of the members of said Board of Trustees may constitute a quorum for the transaction of business.

Approved February 5, 1848.

CHAPTER 192.

AN ACT for the benefit of William G. Pierce, of Trimble county.

1848.

WHEREAS, the County Court of Trimble, at their January term, 1848, elected William G. Pierce, a Constable for said county, in the place of Willis Oliver, resigned; and, whereas, some doubts exist as to the legality of the election of the said Pierce, owing to his not having resided, six months prior to his election, in the district for which he was elected; and, whereas, the said Pierce has resided in said county for several years. Therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the election and official acts of said Pierce, be and the same are hereby legalized, any law to the contrary notwithstanding: *Provided,* the sureties of said Pierce, in his official bond, will appear in the Trimble County Court, at its February or March term next, and re-acknowledge said bond; which re-acknowledgment the Clerk of said Court shall enter upon the order book of his Court.

Approved February 5, 1848.

CHAPTER 193.

AN ACT to divorce Mary Howard, of Harlan county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the marriage contract heretofore existing and solemnized between Eli Howard and Mary, his wife, be and the same is hereby dissolved, and the said Mary divorced from the said Eli Howard, and restored to all the rights and privileges of an unmarried woman.

Approved February 5, 1848.

CHAPTER 194.

AN ACT to incorporate the Cave Hill Cemetery of Louisville.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That L. L. Shreve, G. W. Bayless, Jedediah Cobb, James C. Johnson, William B. Belknap and James Rudd, and their successors in office, be and they are hereby created a body politic and corporate, in law, under the name and style of the "Cave Hill Cemetery Company," and by that name shall be able and capable, in law, to have and use a common seal, to sue and be sued, plead and be impleaded, to answer and defend, in all Courts and elsewhere, as natural persons; and may ordain and put in execution such by-laws, rules and regulations for the government of said company, and the management of its affairs, as they may deem proper, not contrary to the constitution or laws of this State or of the United States.

Names incor-
porated, and
style.

Powers.

1848.

City may convey with consent of Council.

SEC. 2. That the City of Louisville shall have the right and power, nine Councilmen concurring, to set apart, donate and convey to the Cave Hill Cemetery Company, any part of the Cave Hill farm, not more than fifty acres, to be perpetually held and used for the purpose of a Rural Cemetery; and said Cave Hill Cemetery Company may take, and hold, any other land, by devise or purchase, not exceeding one hundred acres, and may take and hold, by gift or devise, money and personal estate, not exceeding one hundred thousand dollars in value.

Corporators, how long to continue in office.

Shall divide into classes.

When classes to go out of office.

Mayor and Council may fill vacancies.

What shall be deemed a resignation.

President to be elected from Managers: his duty, &c.

Board of Managers may improve grounds, &c.

Sell burial lots, &c.

Treasurer and Secretary to be elected by Managers, and to execute bond.

Their duty.

SEC. 3. That said corporators may hold the office of managers until the first day of June, 1850, and until their successors are appointed as provided for in this act; during which period they shall divide themselves into three equal classes; the first class shall go out of office on the first day of June, 1850; the second on the first day of June, 1851; and the third class on the first day of June, 1852; and, thereafter, one-third of the entire Board shall go out of office every year, subject to re-election; and the Mayor and Council of Louisville, a majority of all the Councilmen elect concurring, shall fill all vacancies which may occur, from lapse of time, death, resignation, removal from the city, or from other cause; and all vacancies shall be certified to the Mayor and Council by the remaining managers: a removal from the city or refusal to act shall be deemed a resignation of said office.

SEC. 4. That it shall be the duty of said managers to elect a President from their own body, who shall, as such, execute all contracts and obligations in the name of the Cave Hill Cemetery Company, according to the order of the Board of Managers; and said Board of Managers, and their successors in office, shall have power and authority to lay out and improve the grounds held by said corporation, to erect all necessary buildings, to employ agents and laborers, to lay off and dispose of burial lots, by sale and conveyance, upon such terms as they shall consider proper. It shall be the duty of said Board of Managers to elect a Treasurer and Secretary, who shall execute bond for the performance of the duties required of them, with such security and penalty as the Board of Managers shall require by their by-laws; and they shall cause a record of their proceedings to be kept, also an account of the receipts and expenditures of said corporation, and shall, on the first Monday in June, in each year, report a general statement of said accounts to the Mayor and Council of the City of Louisville, with a list of lots sold, to whom, and at what price; and they shall have power and authority to make such by-laws, rules and regulations, in relation to the duties, management and appointment of officers and agents, and their pay, and to make all other necessary rules and regulations, from time to time, for the government of lot holders and visitors of said Cemetery.

SEC. 5. That the proceeds of the sales of lots in the Cave Hill Cemetery shall be applied to pay the costs and expenses of improving and decorating said Cemetery; to the payment of officers and services rendered, and to refund to the City of Louisville moneys advanced for the improvement of the grounds; and the surplus arising from the sale of lots shall, from time to time, when not appropriated as above, be paid into the City Treasury, and the Treasurer's receipt taken therefor; which fund, thus paid into the City Treasury, shall be a permanent fund on which the city shall pay to the Cave Hill Cemetery Company an interest, semi-annually, not exceeding six per cent. per annum, to be applied alone to the repairs, preservation and protection of the Cave Hill Cemetery and its appurtenances; and if the keeping in repair, preservation and protection of said Cemetery and works and buildings and improvements shall not require a sum equal to said six per cent. interest, the city shall be bound to pay only such a per cent. as will be sufficient to meet the cost of the same.

1848.

Proceeds of sales, how applied.

Surplus, how applied and disposed of.

SEC. 6. That, after laying out said lots, and adopting a plan of said Cemetery, no road or street shall be opened or extended through the same or any part thereof.

No road to be opened through lots, &c.

SEC. 7. That the Mayor and Council are hereby vested with full power, and are required to pass all necessary ordinances, with adequate penalties, to protect said Cemetery, and every thing pertaining thereto, from injury or damage; and said Cave Hill Cemetery Company shall have the right of action and recovery against any person or persons who shall, in anywise, injure any of the improvements, grounds, buildings, shrubbery, trees and walks within the boundary of said lands, laid out and conveyed to said Cave Hill Cemetery Company; and the recovery, in the name of the city, under any ordinance, shall not be a bar to the recovery by said corporation.

Mayor & Council may pass all necessary laws, &c.

Approved February 5, 1848.

CHAPTER 195.

AN ACT to extend the limits of the town of Boonville, in Owsley county, and for other purposes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the boundary of the town of Boonville, in Owsley county, be and the same is hereby extended, in every direction from the Court House one fourth of a mile; and that, from and after the first day of March next, Harvey Hamilton, Francis Hamilton, M. G. Horton, M. G. Mize and John K. Seale, shall be the Trustees of said town, and continue in office one year, and until their successors are duly elected according to law.

Approved February 5, 1848.

1848.

CHAPTER 196.

AN ACT for the benefit of Joseph Riddle, of Cumberland county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Joseph Riddle, of Cumberland county, be allowed to draw from the Treasury, twenty five dollars, for the year 1847, for the support of his idiotic daughter; and the Second Auditor is directed to issue his warrant on the Treasurer for said sum, to be paid out of any money in the Treasury not otherwise appropriated.

Approved February 5, 1848.

CHAPTER 197.

AN ACT to incorporate the Pisgah Church, in the county of Woodford.

WHEREAS, it is represented to the present General Assembly, that, on the 9th day of September, 1811, Samuel Stevenson, by deed of conveyance, duly recorded, conveyed to James Martin, Nathaniel Furguson, James Wardlow and Francis Allen, as Elders of the Presbyterian Church in Woodford county, and to their successors, as Elders, two acres, three roods and twelve poles of land, including the meeting house called Pisgah: and whereas, on the 8th day of September, 1847, Robert Stevenson did convey to Robert Allen, thirty acres of land, adjoining the said tract conveyed by Samuel Stevenson, in trust, for the use and benefit of the Pisgah church aforesaid, and to be held for the purposes of said Pisgah congregation of Presbyterians, (of the branch of said church called and known as the Old School;) and in said deed it is provided that the said Robert Allen shall have power, and is directed to convey to such Trustees, of said church, as may by act of incorporation be authorized to receive the title, for the use and purposes intended by said donor, Robert Stevenson. Therefore,

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That William Allen, James S. Berryman, John Neet and John Martin, who are the present Elders of the Pisgah Presbyterian Church, (Old School,) in Woodford county, and their successors in Eldership, of said Church, be and they are hereby constituted a body politic and corporate, to be known as the "Elders and Trustees of the Pisgah Church;" and they are hereby declared capable, in law and equity, to hold and enjoy, in their corporate character, for the use and benefit of said church, the two acres, three roods and twelve poles of land, conveyed to their predecessors, as Elders of said Pisgah church, and capable, in law, to receive from Robert Allen, a conveyance to them, and their successors in office, the thirty acres of land conveyed, as aforesaid, to the said Robert Allen, by the said Robert Stevenson; and they are, and shall hold

Corporators
names.

Corporate pow-
ers.

To receive con-
veyances of
lands.

the same, and their successors, for the sole use and purposes set out and contained in said deeds, which are of record in the Clerk's office of the Woodford County Court.

SEC. 2. That said Elders and Trustees, and their successors, shall have power to contract, either jointly, or by a committee of their own body; to sue and be sued, plead and be impleaded, in regard to any contract; they shall have power to make any improvement they may deem necessary for the building of meeting houses, repairing the same, the building a parsonage and other improvements appurtenant thereto, repairing the same, fitting up any of said houses for purposes of worship, or any other improvements upon the said lands which they may conceive proper and expedient to carry out the trust confided to them, or the better security and protection of their property.

May contract, sue, &c., make improvements.

SEC. 3. That said Trustees, or their successors, shall have power to purchase or receive, a further donation of any additional quantity of land, adjoining the land described above, so that the quantity shall not exceed, in all, sixty acres.

May purchase or receive donations of other lands.

Approved February 5, 1848.

CHAPTER 198.

AN ACT to incorporate the town of Ringgold, in Pulaski county.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall be lawful for Obed Denham, of the county of Pulaski, to lay off any number of acres of land, of a tract owned by him in said county, about four miles west of the town of Somerset, near the road leading to Columbia, which tract of land was patented to Thomas Gibson and Horace Withers, and conveyed by them to said Denham, by deed, of record in the office of the Pulaski County Court, not exceeding fifty acres, as a town, with the necessary streets and alleys, and in lots of such size as he may think proper; which town shall be called and known by the name of Ringgold, in honor of the brave Major Ringgold who fell on the field of Palo Alto.

To be laid off on lands of Obed Denham, in Pulaski county.

SEC. 2. That whenever the number of citizens and lot holders in said town shall amount to the number of twelve free white males over twenty one years of age, it shall be lawful for all the free white male citizens entitled to vote in the elections of this State, residing within the limits of said town, or owning property therein, to elect five Trustees for the government thereof, who shall serve until the first Monday in May, next succeeding their election, and until their successors are duly elected and qualified; and the election of Trustees of said town shall be had on the first Monday in May of each succeeding year.

When Trustees may be elected, & in what manner.

1848.

May fill vacancies.

Make by-laws.

To keep record.

To take oath.

SEC. 3. That said Trustees shall have power to fill vacancies which may happen in their body, until their regular election; they may make such by-laws as they may deem necessary for the good government of said town, not inconsistent with the constitution and laws of this State; and they shall keep a complete and fair record of all their proceedings, as Trustees. Before they enter on their duties, they shall take an oath, before some Justice of the Peace of said county, to faithfully discharge their duty as Trustees aforesaid.

Approved February 5, 1848.

CHAPTER 199.

AN ACT to amend the charter of the Licking Bridge Company.

No other bridge to be erected within 30 years, nearer than 1½ miles.

Proviso.

To have preference in erecting another bridge, on certain conditions.

Privilege may be forfeited, and for what cause, & in what manner.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That, for and during the period of thirty years, from the date of this act, no other Bridge or Bridges shall be erected by any person or persons, corporation or corporations, other than the Licking Bridge Company, nearer than one mile and a quarter from the place where the said Licking Bridge Company are now authorized to erect one, by virtue and in pursuance of the act, entitled, an act authorizing the erection of a Bridge across main Licking river, at or near its junction with the Ohio: *Provided*, that the said Licking Bridge Company shall proceed to complete the Bridge, which they are authorized by their charter to construct, within eighteen months from the date of this act: *And, provided also*, that if, at any time hereafter, the intercourse between the cities of Covington and Newport, or the increased business of the country shall require another bridge, or other bridges, within the distance above prescribed, it shall be the duty of the said Licking Bridge Company, and the privilege is hereby granted to them, in preference to all persons or corporations, to erect the same, upon the terms, under the regulations, and subject to all the provisions of the before recited act, incorporating said Company; and if they fail to do so, the Circuit Court of the county of Kenton shall have power, upon the application of any person or persons who shall desire, and shew themselves competent to construct another bridge, to hear any cause or causes of complaint arising from such failure; and if, thereupon, the said Court shall be of opinion, after hearing the parties, due notice having been first given to the Licking Bridge Company, by the applicant or applicants, upon bill or petition filed according to the rules of proceeding in chancery, that the failure of said Company to erect such other bridge or bridges, arises from inability or unwillingness, or a refusal of said Company to do so, the Judge of said Court is hereby authorized to declare the

privilege hereby granted to erect said bridge or bridges, in preference to others, to be forfeited, otherwise to dismiss said bill or petition: *Provided nevertheless*, that the first bridge to be constructed, under the provisions of this act, shall be located between fourth street, in the city of Covington, and the confluence of the Licking river with the Ohio river, at some convenient point to be selected by said Licking Bridge Company.

1848.

Approved February 5, 1848.

CHAPTER 200.

AN ACT for the benefit of Henry G. Black, Surveyor of Ballard county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the County Court of Ballard county shall permit Henry G. Black, Surveyor of said county, to renew his bond within twelve months after the expiration of the time allowed by law; and his acts, as Surveyor, be and they are hereby legalized.

Approved February 5, 1848.

CHAPTER 201.

AN ACT in relation to the Vacant Lands in Wayne county, and for other purposes.

WHEREAS, under the existing law, Commissioners have been appointed by the County Court of Wayne, to sell and dispose of the vacant lands belonging to said county, and to issue certificates to the purchasers; and doubts have arisen as to the validity of the titles acquired to the said lands, founded upon such of the certificates, aforesaid, as were issued by one only of said Commissioners. For remedy whereof,

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That all surveys and patents, heretofore or hereafter made, issued and founded upon certificates issued prior to the passage of this act, by one of the Commissioners, as aforesaid, shall be as good and valid as if the said certificates had been issued by all of said Commissioners.

Surveys and
patents made
valid.

SEC. 2. That all the seminary and vacant lands belonging to said county, and all the money, means and property accruing from the sale thereof, heretofore or hereafter made, shall be and the same are hereby vested in the Common School Commissioners of said county, and their successors, in their corporate capacity, for the use and benefit of Common Schools in said county; and the said School Commissioners are authorized and directed to sue for, and recover

Proceeds of
vacant lands
vested in Com.
School Com'rs.

1848.

the said money, means and property, and to sell and dispose of said lands, and grant certificates therefor, to the purchasers, upon which surveys shall be made, and patents (free of costs,) issued as in other cases.

School Com'rs may employ an agent to investigate title to Seminary lands, and to sell them.

Expenses to be paid out of proceeds.

SEC. 3. That said School Commissioners shall have power, a majority concurring, to appoint one of their own body, or authorize an agent and attorney in fact, to investigate the title of the said Seminary lands; to sue for and recover the same, to sell and dispose of them, and the said vacant lands, and in their names issue certificates therefor, upon which surveys shall be made and patents issued, as aforesaid. The said vacant lands shall not be sold for less than five dollars per hundred acres, and the Seminary lands for the best price that can be had; and for all services rendered, and expenses incurred in the investigation of the title aforesaid, suits for the land and sales thereof, or otherwise touching the duties hereby imposed, a reasonable allowance shall be made and paid by the Commissioners, out of the proceeds of the lands, the amount to be settled and adjusted, in case of any controversy, by the Superintendent of Public Instruction.

Account of sales to be entered in a book.

Proceeds to be deposited with Treasurer.

Report to be made to Superintendent Pub. Instruction.

Bond to be executed.

SEC. 4. That said School Commissioners shall keep a book, open to the inspection of the public, in which shall be entered the name of each purchaser of lands, the quantity sold and price obtained; that the proceeds of the lands shall be deposited with the Treasurer, until drawn by the Commissioners to be distributed among the Common Schools of said county; and said School Commissioners shall make an annual report, upon oath, to the Superintendent of Public Instruction, of the amount of the sales aforesaid, embracing a detailed statement of the money received, and how and in what manner the same has been appropriated. They shall be responsible to the said Superintendent for any mismanagement or defalcation in the trust hereby confided to them, and shall, when required by him, execute bond in an adequate penalty, with good security, payable to himself and successors, with condition to discharge faithfully the duties imposed by this act.

Approved February 5, 1848.

CHAPTER 202.

AN ACT authorizing the County Court of Woodford to lay an additional levy on slaves, for the purpose of paying an efficient Patrol.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be lawful for the Justices of the Woodford County Court, at the November term of said court, or at any other term of said court, a majority of all the Justices being present and concurring therein, to lay an additional levy on all slaves over the age of sixteen years,

which shall be set apart as a fund, in addition to the amount now allowed by law, for the purpose of paying an efficient Patrol of said county: *Provided*, that said Justices shall not lay said levy to a greater sum than fifty cents.

1848.

Approved February 5, 1848.

CHAPTER 203.

AN ACT to amend an act to enlarge the powers of the Trustees of the town of Morganfield, and for other purposes, approved March 2, 1844.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Trustees of the town of Morganfield shall have authority to levy a poll tax of not more than two dollars, on each white and black male over the age of sixteen years, residing within the limits of said town, and also an *ad valorem* tax on all the real and personal estate in said town, of not more than fifty cents upon each one hundred dollars in value, to be collected as other taxes are directed to be collected by the several acts relating to the town, and appropriated towards the improvement of the streets and alleys in said town.

Approved February 5, 1848.

CHAPTER 204.

AN ACT to allow an additional Justice of the Peace to the county of Fleming.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That an additional Justice of the Peace be and the same is hereby allowed to the county of Fleming, who may reside on the east side of the East Fork of Cox's creek, or on the waters of the North Fork of Triplett creek.

Approved February 5, 1848.

CHAPTER 205.

AN ACT for the divorce of Jesse Fitzgerald.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the marriage contract heretofore existing between Jesse Fitzgerald and Nancy, his wife, be and the same is hereby dissolved, so far as respects the said Jesse, and he is hereby restored to all the rights and privileges of an unmarried man.

Approved February 5, 1848.

CHAPTER 206.

1848.

AN ACT to enlarge the powers of the Trustees of the town of Uniontown, in Union county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Trustees of the town of Uniontown, in Union county, and their successors in office, shall, in addition to the powers heretofore granted them, have full power and authority to grant wharf privileges on the Ohio river, fronting said town, to fix the rates of wharfage, and to impose upon the grantee or grantees the performance of such duties as they may think proper for the benefit of the commercial and other interests of said town, and for such period or periods of time as they may think proper, under such rules and regulations as they may, from time to time, stipulate with the grantee or grantees of such privileges.

Approved February 5, 1848.

CHAPTER 207.

AN ACT to amend an act, entitled, an act to incorporate the Union White Sulphur Springs Company, approved February 11, 1836.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That so much of the fourth section of an act, entitled, "an act to incorporate the Union White Sulphur Springs Company," approved February 11, 1836, limiting the shares in the capital stock in said Company at five hundred dollars, be and the same is hereby repealed.

SEC. 2. That the shares in the capital stock of said Company shall be one hundred dollars each.

Approved February 5, 1848.

CHAPTER 208.

AN ACT to incorporate the Lexington Cemetery Company.

Corporators
names, and cor-
porate powers.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That Henry Clay, J. W. Hunt, John Brand, John Tilford, Robert Wickliffe, B. W. Dudley, Elisha Warfield, M. T. Scott, James O. Harrison, F. Dewees, M. C. Johnson, John Lutz, Stephen Chipley, F. K. Hunt, H. T. Duncan, Joel Higgins, Benj. Warfield, Henry Bell, Geo. Robertson, Samuel G. Jackson, E. P. Johnson, D. A. Sayre, Wm. Rodes, John McMurtry, Benj. Gratz, R. T. Dillard and Richard Pindell, be and they are hereby made a body politic and corporate, in law, under the style and firm of the Lexington Cemetery Company; and by that name shall be able and capable, in law, to have and use a common seal, to sue and be sued, to plead and be impleaded, and do all such other things as are incident to a corporation. The

said company shall have power to purchase any quantity of land in the county of Fayette, not exceeding one hundred acres, and receive a conveyance of the same, with such covenants of warranty as they may think proper. The land and appurtenances, when conveyed to said corporation, shall be held solely and exclusively for a cemetery, and ornamental grounds connected therewith, and shall never be alienated, sold, or used by said corporation, for any other purpose than burial lots, as hereinafter prescribed. But the said corporation may permit their Superintendent, or other officers, to use that portion of their grounds and buildings not sold for burial lots, for horticultural purposes: *Provided*, the same is used in a manner not inconsistent with the reverence and respect due to the cemetery of the dead. The said grounds, fixtures, shrubbery, and every thing growing therein, shall always be subject to State revenue, but shall not, after the ground has been fully paid for, be subject to be levied on or sold, by judgment, execution or decree, for any other debt or cause whatsoever. No road or passway shall be opened through said grounds, unless by the consent of the Company. The said Company may receive and take, by devise or bequest, any legacies that may be devised to them, to be appropriated solely and exclusively to the ornament and improvement of said cemetery and grounds, and may vest in State stocks, or loan out, any spare funds that, from time to time, they may have, but they shall never exercise or attempt to exercise any banking powers.

Sec. 2. A majority of the above-named persons, or of the survivors of them, shall have full power and authority to appoint a Board of seven Trustees, who shall elect one of their own number as chairman; said Trustees shall remain in office until their successors are qualified, and have power to fill any vacancies that may occur in their body, by death, resignation or removal. The term for which the first Board of Trustees shall serve, shall be designated and limited by those who appoint them, as above. After the first Board of Trustees have been appointed, as above, and have qualified, they, and their successors in office, shall exercise all the corporate powers of the corporation. The seven Trustees shall afterwards be elected once in every five years, by a majority of the shareholders who vote, due notice of the time and place of voting being first given, by publication of four successive weeks in one of the newspapers published in Lexington; and the election shall be conducted by Judges appointed by the Board then in office. The Trustees, thus elected, shall remain in office five years, and until their successors are qualified. If any thing should prevent an election within the prescribed time, a majority of the Trustees in office shall have the power, and it shall be their

1848.

Lands to be held solely for Cemetery purposes and ornamental grounds.

Subject to State revenue, but not to execution.

Board of Trustees may be appointed, & term of office.

When to be elected: notice of election to be given.

1848.

Vacancies—
how filled.

Manner of vo-
ting for Trustees

Trustees to
keep record, &c.

May lay out
and ornament
grounds.

May lay off &
sell burial lots.

May appoint
Superintendent
and Officers.

duty, to call a meeting for, and cause an election of, their successors, as soon afterwards as convenient. The Trustees shall, at all times, have the power to fill any vacancy that may occur in the Board, by death, resignation or removal. Death, or removal from the county of Fayette, or resignation, shall vacate the seat of a Trustee. Four Trustees shall constitute a quorum for the transaction of business. Each person owning burial lots, to the value of twenty-five dollars, shall be regarded as holding a share, and each share shall entitle the holder to one vote in the election of Trustees; but no person, or body corporate, shall be entitled to cast more than ten votes. When a share is vested in several persons, a majority of those present, at the time of voting, in whom the legal title is, to such share, shall be entitled to cast such vote. The Trustees shall keep a regular record of their proceedings, and of all sales, transfers and disbursements; and shall always preserve an accurate map and survey of the ground and lots, and have the same recorded in the Clerk's office of the Court of Appeals, or of the Fayette County Court. Each Trustee shall, before he enters on the duties of his office, make oath, before some officer competent to administer the same, that he will faithfully and impartially discharge the duties of a Trustee, according to the best of his abilities, and will not be influenced in his conduct, as Trustee, by sectarian or political partialities.

SEC. 3. As soon as the ground is purchased and the Trustees have qualified, they shall have power to lay out and ornament the same; and, from time to time, alter, repair and add such buildings and fixtures as may be necessary for the use or ornament of the cemetery grounds; and for this purpose, and for the purpose of defraying the incidental expenses of the corporation, shall apply the funds belonging to the same. They shall have power to lay off, sell and convey, burial lots, either at public or private sale; to make, from time to time, by-laws and regulations for the control, management and care of the cemetery grounds and graves, and the mode of ornamenting the same, and regulate the mode in which bodies shall be interred, and make such other by-laws and regulations as may be necessary for the purposes of the corporation; they shall have full power to enter upon, and remove any ornaments, fixtures, or shrubbery that may be placed on or around the graves against the by-laws or regulations of the corporation; they shall have the power to appoint, from time to time, such Superintendent, and other officers as they may think necessary, and take from them such bond as may be required. The proceeds of the sale of lots, and all money that may come to the corporation from any other source, shall be applied, first to reimburse those who have made advancements for the original outlay and

purchase of the establishment, and shall, afterwards, in all time to come, be applied to ornament and improve the ground and defray incidental expenses.

SEC. 4. When a burial lot is purchased, the Trustees shall give a certificate thereof, under the seal of the corporation, which shall vest the purchaser with title. This title may be transferred according to such rules and regulations as may be prescribed by the by-laws of the corporation, but in no other manner. If not transferred by the grantee, it shall descend or pass, by devise, as other real estate. Such lots shall never be used for any other purpose than burial lots, and if applied to any other use, the title shall revert to the corporation.

Certificates to issue, and are transferable.

SEC. 5. If any person shall, forcibly and without lawful authority, violate any of the graves of the dead, or deface any of the tombstones, monuments or enclosures, or injure any of the grounds, shrubbery, fixtures or buildings, or in any manner damage the grounds of the corporation, such person or persons, so offending, besides being liable to an indictment for a misdemeanor, and punishable according to the discretion of a jury, shall be liable to the corporation in an action of trespass; and the damages, when recovered, shall be applied by the corporation to restore, as far as possible, any injury that has been done.

Penalty for violating graves, &c.

Approved February 5, 1848.

CHAPTER 210.

AN ACT to amend the charter of the Paris Fire Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Paris Fire Company may be so increased as to contain one hundred members.

Approved February 5, 1848.

CHAPTER 211.

AN ACT for the benefit of the Clerk of the Campbell Circuit Court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Second Auditor of Public Accounts be and he is hereby directed to issue a warrant on the Treasury in favour of Benjamin D. Bealle, for the sum of forty dollars, being for his *ex-officio* services as Clerk of the Campbell Circuit Court for the year 1847, to be paid out of any money in the Treasury not otherwise appropriated.

Approved February 5, 1848.

1848.

CHAPTER 213.

AN ACT to incorporate the town of Piketon, in Pike county, and for other purposes.

Trustees to be elected.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the free white male inhabitants residing in the town of Piketon, in the county of Pike, and the owners of lots in said town, shall, on the first day of May next, meet at the Court-house in said town, and proceed to elect five Trustees for said town, who shall hold their offices for one year, and until their successors are duly elected and qualified; and the first election shall be conducted under the direction of William Ratliff, Thomas Owens, or some other Justice of the Peace for said county, who shall act as Judge therein; and said Trustees shall take an oath, before some Justice of the Peace for said county, truly and faithfully to perform the duties enjoined on them, by law, as Trustees, a copy of which oath shall be certified to the Board of Trustees, who shall record the same on the record book of said Trustees at the first meeting thereof.

To take oath.

Name, style & corporate powers.

SEC. 2. That said Trustees, and their successors, shall be a body corporate, by the name and style of the Trustees of the town of Piketon; may sue and be sued, plead and be impleaded, in any Court of law or equity in this Commonwealth. They shall have power to pass all necessary ordinances and by-laws for the improvement, regulation and advancement of the interest and morals of said town, not inconsistent with the constitution and laws of this State or of the United States.

May receive conveyances for lots to erect a market house.

SEC. 3. That said Trustees shall have power to receive a conveyance, by donation or purchase, of any lot or lots of ground in or near said town, for the purpose of erecting a market house, meeting house, school house, or any other needful or necessary public buildings, and may order, provide and contract for their erection; they shall have power to assess a poll tax on the legal tytheables of said town, not to exceed, in any one year, one dollar, and levy an *ad valorem* tax on the real and personal estate within said town, that is now taxed by the revenue laws of this Commonwealth, not to exceed ten cents on each one hundred dollars worth of property. They shall have power to contract for the grading and improving any of the streets or alleys of said town; to levy and collect, from the owner or managers of all exhibitions of animals or shows, of every description that may be exhibited within the limits of said town, any amount that shall be ordered by the Board of Trustees, not to exceed the sum of twenty dollars; they shall have power to pass by-laws to prevent racing or running within the limits of said town, and the suppression of all other disorderly conduct within the same. They shall appoint one of their own body chairman, who shall sign the record and proceed-

May assess poll tax and *ad valorem* tax

May contract for grading and improving the streets, &c.

May tax shows, &c.

May pass by-laws to prevent racing and other disorderly conduct.

Chairman to be appointed—his power and duties.

ings of each meeting, shall have power to call meetings of the Board at any time, and preside over the meetings, keep order, &c. It shall require a majority of said Trustees to do business; and all fines and forfeitures that shall be recovered, and all taxes that shall be assessed and collected by said Trustees, shall be by them appropriated in the purchases and improvements before directed.

SEC. 4. That said Trustees shall elect a Clerk, who shall continue in office one year, or until another is appointed, whose duty it shall be to preserve and safely keep all papers belonging to, or filed with, said Board, and shall attend the meetings of the Board, and record all their proceedings in a book to be provided by said Board for that purpose; and copy and certify all records and ordinances that may become necessary; and if said Clerk should fail to attend any of the meetings of said Trustees, then they shall appoint a Clerk *pro tem.*, if they see proper so to do.

SEC. 5. That said Board shall cause the by-laws and orders which they may make, to be copied by their Clerk, and within three days thereafter, to cause said copy to be posted on the door of the Court-house in said county.

SEC. 6. Said Trustees shall appoint an Assessor, to assess the property and persons in said town liable to taxation; and upon any person in said town refusing to give in his or her property to said Assessor, the person so refusing shall be liable to a fine of not less than two nor more than ten dollars, to be recovered before a Justice of the Peace, by warrant, in the name of the said Trustees, which shall be appropriated as other moneys are directed by this act; and said Trustees shall fix and direct the payment of the compensation to said Assessor.

SEC. 7. The said Board of Trustees shall have power to appoint a Collector, who shall have power to collect, by distress or otherwise, the levies and tax imposed upon the persons and property in said town, as before directed.

SEC. 8. That before said Collector shall proceed to the performance of his duties, he shall execute bond before said Trustees, in such penalty, and with such security as the Board may direct, conditioned for the faithful collection of said tax, and the payment of the same over to said Trustees, or to such person or persons as they shall direct; and for any breach of the condition of said bond, said Trustees shall have power to move against said Collector, either by suit on his bond, or motion in the Circuit Court of said county, and, by the judgment of said Court, recover against said Collector, and his securities, any amount of money that may be found due from him with twenty per cent. thereon, and shall have execution therefor against them; and the Clerk of said Court shall endorse thereon, that no security of any kind shall be taken.

SEC. 9. That said Board shall have power to appoint a Treasurer, who shall keep the funds of said Board safe,

1848.

Fines, how applied.

Clerk to be appointed, and his duties.

By-laws to be published.

Assessor to be appointed, and his duties.

Penalty on persons refusing to give in their property.

Collector to be appointed.

Collector to give bond; penalty and condition.

Proceedings against Collector for failure to pay over.

1848.

Treasurer to
be appointed, &
his duties.
To give bond

and pay the same over by order of said Board, or the Chairman thereof, to such person or persons as he shall be directed; and said Board may require bond and security of said Treasurer, conditioned as aforesaid; and for a breach of said bond, shall be subject to the same penalties that are prescribed in the eighth section of this act, against delinquent Collectors.

Compensation
of officers.

SEC. 10. That said Board shall fix, by law, the rate of compensation to their subordinate officers; and shall have authority to sue for, and recover, all penalties annexed to a breach of their ordinances and by-laws, before a Justice of the Peace or other proper tribunal having jurisdiction thereof.

Trustees to
make deeds to
lots.

SEC. 11. That said Trustees, and their successors in office, shall be and they are hereby authorized to make a deed or deeds of conveyance to the purchaser or purchasers, their heirs or assigns, for lot or lots in said town, where it shall appear to them that the purchase money has been paid, warranting the title thereof against themselves and their successors: a majority of said Trustees shall, at all times, constitute a quorum to transact business.

Majority to
form quorum.

This act to ap-
ply to Paints-
ville.

SEC. 12. That this act shall also apply to the town of Paintsville, the county seat of Johnson county, and that German W. Huff, or some other Justice of the Peace for said county of Johnson, shall hold the election of Trustees, according to the first section of this act.

SEC. 13. That no real estate is to be taxed that is not within the actual limits of said town of Piketon.

Approved February 5, 1848.

CHAPTER 214.

AN ACT for the benefit of John B. Embree, of Monroe county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be lawful for Radford Maxey, guardian of John B. Embree, of Monroe county, to sell the interest of the said John B., in all the lands situated in the county of Monroe, which descended to him, from his deceased father Colby Embree, at the best price, and upon the best terms that can be procured; and it shall be lawful for the said John B., to execute a conveyance of said interest to the purchaser or purchasers; and said conveyance, when executed according to the laws regulating conveyances, shall be as effectual to pass the title to said interest as if the said John B., was of full age when the same is executed.

Approved February 8, 1848.

CHAPTER 215.

1848.

AN ACT to incorporate the Trustees and Stockholders of the Doane and Gracy Fund, in the city of Covington.

WHEREAS, it is represented to the General Assembly, that Jesse Doane and William Gracy, two of the Kentucky Volunteers who fought in the battle of Buena Vista, were, on the 22d day of June, 1847, almost entirely disabled and seriously wounded by the premature discharge of a cannon, one having lost both of his arms, and the other one arm and nearly all of the other hand: and whereas, many of the citizens of Covington and vicinity have associated themselves together for the purpose of raising a fund for the support of those two young men. Therefore,

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That F. G. Gedge, J. A. Goodson, B. W. Foley, J. Hathaway, A. L. Green, H. Watkins, C. A. Withers, H. J. Groesbeck, J. T. Levis, L. Kennedy, and their associates, be and they are hereby created a body corporate, by the name and style of the "Trustees and Stockholders of the Doane and Gracy Fund;" and by that name are empowered to hold real and personal estate, and buy and sell the same; to sue and be sued, plead and be impleaded, contract and be contracted with; to have a corporate seal, and the same to break, alter or renew at pleasure; and have continual succession until the objects of their association shall be fully accomplished.

Corporators
names, and cor-
porate powers.

SEC. 2. That the fund raised, or to be raised, by said association and corporation, shall or may consist of six hundred shares of five dollars each; and that the property, whether real or personal, now conveyed to or held by J. M. Preston, W. Ernst and J. C. Gedge, Trustees of said fund, shall be by them conveyed or transferred to said body corporate; and each subscriber or stockholder in or to said fund, shall have an interest in the same, according to the extent of his subscription, or stock, and the provisions of the written articles of association, drawn up and framed by the persons named in the first section, who acted as a committee for that purpose; and said fund, from time to time, shall be invested, and if sold, re-invested in productive real estate in or near the city of Covington.

Capital stock.

Interest of
shareholders.

SEC. 3. That said J. M. Preston, W. Ernst, and J. C. Gedge, Trustees elected by the stockholders in said association, shall hold their offices according to the provisions in that behalf set forth, and contained in said articles of association, and shall exercise all the powers conferred upon them by said articles of association, except so far as changed by this act; and that, hereafter, elections of three Trustees of said fund shall be held according to the provisions of said articles; and such Trustees, who may be, from time to time, thus elected, shall likewise exercise all the powers

Trustees, ten-
ure of office,
powers & duties

Mode of elect-
ing successors.

1848.

conferred on the Trustees of said fund by said articles of association, except so far as changed by this act.

Articles of association to be recorded, and made evidence.

SEC. 4. It shall be the duty of said Preston, Ernst and Gedge, to cause said articles of association to be truly recorded in the Clerk's office of the Kenton County Court, within eight weeks from the passage of this act, and also to record it in the record book of said association; and said record in said Clerk's office shall have the same force and effect, and be as valid and available, for all purposes, as deeds therein recorded; and copies from said record may be used as copies of deeds recorded in said office may be used; and said articles of association are hereby made the fundamental rules of said corporation, and said Trustees or said corporation shall have no power to alter them; but said Trustees, or corporation, in general meeting, shall have power to pass such by-laws, from time to time, (not contrary to the constitution or laws of the Commonwealth or said articles of association,) as they may deem proper for the regulation and proper management of said fund and property, and to repeal or alter the same.

May pass by-laws.

SEC. 5. The corporate body hereby created shall exist and have continued succession until the death of said Doane and Gracy, and two years thereafter; in which time it shall wind up its affairs, in the way stated in the said articles of association.

Term of existence.

Approved February 9, 1848.

CHAPTER 216.

AN ACT for the benefit of the Sheriffs of Nicholas, Barren, Floyd and Boone counties.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That John Orr, late Sheriff of Nicholas county, have until the third Monday in October next to return his delinquent list for the year 1846; and the Auditor is directed to settle with said Sheriff as if said list had been returned at the proper time.

Nicholas, further time to return delinquent list.

SEC. 2. That the Sheriff of Barren county have further time until the first day of October next to return his list of delinquents for revenue tax, on the Auditor's additional list of revenue, for the year 1847; and when returned, the Auditor shall allow him credit therefor.

Barren, further time to return delinquent list.

SEC. 3. That time, until the first day of October next, be allowed the Sheriff of Floyd county, to return his list of delinquents for revenue tax for the year 1847; and when returned, the Auditor is directed to give him credit therefor.

Floyd, further time to return delinquent list.

SEC. 4. That William J. Sanford, Sheriff of Boone county, be and he is hereby allowed further time of three months, from and after the passage of this act, to return his delinquent list of revenue; and that he be also allowed the fur-

Boone, further time to return delinquent list of revenue and muster fines.

ther time until the next annual Court of Assessment, to return his delinquent list of muster fines.

1848.

Approved February 9, 1848.

CHAPTER 217.

AN ACT to change a part of the State Road in Marshall county, between Gray's Ferry and Paducah.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Marshall County Court be and is hereby vested with power and authority to change that part of the State road in said county, which runs upon the lands of Thomas Frizzle, so as to place it on the line between said Frizzle and Charles Astin: *Provided*, said court shall be of opinion, after causing itself to be informed in the premises, according to the requisitions of the general law upon the subject of altering roads, that the public will sustain no injury by such change: *Provided, however*, that said Frizzle make the proposed road as good as the road now in use.

Approved February 9, 1848.

CHAPTER 218.

AN ACT to change the place of voting in the Christiansburg Precinct, in Shelby county,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That, from and after the passage of this act, the place of voting in the Christiansburg precinct, in the county of Shelby, be changed to the house of John C. Stedman, in said precinct.

Approved February 9, 1848.

CHAPTER 219.

AN ACT to establish an additional precinct in Wayne county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That, from and after the passage of this act, there shall be an election precinct established at the house of Robert Parmley, in the county of Wayne.

Approved February 9, 1848.

CHAPTER 220.

AN ACT for the benefit of Somerset Academy.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Trustees of the Somerset Academy be,

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and are hereby authorized to sell and convey, to the Trustees of Common School District No. 1, of Pulaski county, such portion of town lot, No. 64, in Somerset, being the Northern Seminary lot, as the said Trustees, on the one part, and the said Trustees of Common School District No. 1, may agree upon, as to the terms of such conveyance.

Approved February 9, 1848.

CHAPTER 221.

AN ACT to establish election precincts in the county of Mason.

Boundary, and
place of voting
at Mountjoy's.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That so much of the county of Mason as is bounded by the Orangeburg precinct on the one side, by the Maysville precinct on another side, by the Germantown precinct and Minerva precinct on another side, and by Warren's Run and Lawrence Creek on another side, be made an election precinct, in said county, and the electors therein shall vote at the house now occupied as a tavern by Thomas Mountjoy, in Washington, or at the Court House in the said county of Mason.

Boundary, and
place of voting
at Lee's.

SEC. 2. That so much of the county of Mason as is included in the following boundary, be made an election precinct, in said county, viz: beginning at the junction of the Mason and Bracken line on the Ohio river, and running back with said line two miles, thence eastwardly and parallel with the Ohio river to Lawrence Creek, thence with said creek to the Ohio river, thence with the Ohio river to the beginning, and the electors therein shall vote at the Tavern House now occupied by Willis D. Lee, in the town of Dover, or at the Court House of the county of Mason.

Approved February 9, 1848.

CHAPTER 222.

AN ACT to divorce Hugh and Rebecca Kirkpatrick.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the marriage contract heretofore existing between Hugh Kirkpatrick and Rebecca Kirkpatrick, his wife, be and the same is hereby dissolved, and they are hereby restored to all the rights and privileges of single persons.

Approved February 9, 1848.

LAWS OF KENTUCKY.

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CHAPTER 224.

1848.

AN ACT to divorce Edmund R. and Elizabeth Sumpter.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the marriage contract heretofore existing between Edmund R. Sumpter and Elizabeth Sumpter, be and the same is hereby dissolved, and they are restored to all the rights and privileges of unmarried persons.

Approved February 9, 1848.

CHAPTER 225.

AN ACT for the benefit of Clement Conner, late Sheriff of Montgomery county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the further time of two years, after the passage of this act, be allowed to Clement Conner, late Sheriff of Montgomery county, to collect his fee bills and taxes due, and that he be allowed to list the same with any proper officer for collection, during said period.

Approved February 9, 1848.

CHAPTER 226.

AN ACT for the benefit of the heirs of Theophilus D. Stark, deceased.

WHEREAS, it is represented to the present General Assembly, that, some years since, Theophilus D. Stark departed this life, in the county of Barren, leaving a widow and the following named children as his only heirs at law, to-wit: Mary Jane, who is now the wife of Jas. J. Burch, Nancy Elizabeth, now the wife of Wm. Martin Wilson, Maria, Emily D., Amanda and Lucinda F. T. Stark; that said Maria, Emily, Amanda and Lucinda are infants, and that said Jas. J. Burch and William Martin Wilson are their statutory guardians; that there descended to said children, and heirs, from their father, about three hundred acres of land, in said county, subject to the dower of the widow; that, after the death of said Stark, dower was assigned to the widow, in said land, and the remainder of the tract was partitioned and allotted to said children, and heirs; that said widow is now dead, but the portion of said land assigned as dower has not been divided: and whereas, it is further represented that it will be very advantageous to all of said heirs, infants as well as adults, to sell the whole of said tract of land in a body. Wherefore,

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That it shall be lawful for said adult heirs, and said infants, by their guardians, to file their joint petition in the Circuit Court for Barren county, setting

May file petition in Barren Circuit Ct for sale of land.

1848.

Power and jurisdiction conferred upon the Court.

forth all the facts of the case, and alledging that it would be to the advantage of the infants to sell said land in a body; and said petition shall be supported by the affidavits of the adult heirs and guardians. Whereupon, it shall be the duty of said Court, forthwith to appoint three discreet house keepers of said county, commissioners, any two of whom shall be empowered and directed to ascertain and report to Court, the particular amount and value of the estate, real and personal, to which said infants may be entitled; and upon the coming in of the report, if said Court, after mature consideration, as well of the present condition and necessities, as of the future prospects and advancement in life of said infants, shall be of opinion that it will redound to the advantage of said infants, to decree a sale of their interest in said land, it shall be lawful for the Court to render a decree directing the whole of said tract of land, including the dower part, as well as the part which has already been partitioned, to be sold, in such manner, and upon such reasonable terms as the Court may prescribe.

To be governed by act of 1813.

SEC. 2. That, in all other respects, the Court and guardians, and commissioner appointed to make said sale, shall be governed by the provisions of an act, entitled, an act vesting jurisdiction in the Circuit Courts to authorize the sale of real estate of infants in certain cases, approved February 3, 1813, so far as the same are applicable to the case.

Approved February 9, 1848.

CHAPTER 227.

AN ACT for the benefit of Harrison Daniel, former Sheriff of Jessamine county.

Further time to collect taxes, &c.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That there shall be allowed to Harrison Daniel, former Sheriff of Jessamine county, and his deputies, two years, from and after the passage of this act, in which to collect, by levy or distress, revenue tax, county levy, muster fines and fee bills, due said Sheriff, and collectable in the years in which he was Sheriff, as aforesaid.

Further time to list and collect fees.

SEC. 2. That fees due said Daniel, for his services as Sheriff, from citizens of other counties in this Commonwealth, may be listed by him, with the Sheriffs of such counties, and collected by distress, or otherwise, within two years from the passage of this act: but this act shall not authorize the collection, by distress or otherwise, of any revenue tax, county levy or fee bills, which shall have been due or collectable more than five years at the time the collection may be attempted.

Approved February 9, 1848.

CHAPTER 228.

1848.

AN ACT for the benefit of the Taylor Guards, of Mercer county.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall be lawful for the Taylor Guards to appoint a Collector from their ranks, who shall be empowered to collect all fines coming to said company, which fines shall be subject to its exclusive control and benefit.

May appoint a Collector.

SEC. 2. That it shall be lawful, and it is made the duty of the Captain of said company, to take a bond, with good security, compelling said Collector to pay over all moneys received by him for said company, to the order of the Captain or commanding officer for the time being.

Collector to give bond.

SEC. 3. That in order to assist said company to sustain itself, the company shall be permitted to elect honorary members, the fines of which are also for the exclusive benefit of said company: *Provided*, said company shall not elect more than fifty honorary members.

May have honorary members.

Approved February 9, 1848.

CHAPTER 229.

AN ACT to incorporate the Master and Wardens of Wingate Lodge, No. 161, at Simpsonville, in Shelby county.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the members of Wingate Lodge, No. 161, of free and accepted Masons, of Simpsonville, be and they are hereby created a body politic and corporate, by the name and style of Wingate Lodge, No. 161, of Simpsonville, with perpetual succession; and, by that name, shall be capable of contracting and being contracted with, of suing and being sued, of purchasing and holding all such real and personal estate as may be required for the use and accommodation of said Lodge; to receive all necessary conveyances, to sell, convey and dispose of all such real or personal estate as they may now have, or hereafter acquire: *Provided*, the amount vested in real estate, exclusive of buildings thereon, shall at no time exceed ten thousand dollars.

Corporate powers.

SEC. 2. That the management of the concerns of said corporation shall be and is hereby confided to Walter E. Powers, Harvey Shanks, and James Alexander, Master and Wardens of said Lodge, and their successors in office, Trustees thereof, who, or a majority of them, shall have full power to make all contracts pertaining to the real or personal estate, in any respect, either purchasing, building, renting, or for any other purpose, which shall be binding and obligatory upon said Lodge, when made in pursuance of the rules, by-laws and instructions of said Lodge, and ser-

Master and Wardens & successors to be Trustees, & are to control property, &c.

1848.

vice of process or notice on any of said Trustees shall be sufficient notice to said corporation.

May enact by-
laws.

SEC. 3. That said Lodge may, at any time, pass such by-laws, rules and regulations, not inconsistent with the constitution and laws of this State, as may be necessary for the protection, management and safe-keeping of the property of said Lodge; and any money recovered for any trespass or injury, done or committed on or to the property aforesaid, shall be for the use and benefit of said Lodge, and shall be so applied.

Objects of cor-
poration.

SEC. 4. That the object of this corporation is only to enable said Lodge to hold and manage the property thereof; and this act, and the powers hereby granted, shall not be employed for any other purpose; and the Legislature reserves to itself the right to change, alter or amend the same at pleasure.

Approved February 9, 1848.

CHAPTER 232.

AN ACT for the benefit of Shackelford and Pullen.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That James Davidson, A. G. Hodges, Philip Swigert, Thomas S. Page and Harry I. Bodley, be and they are hereby appointed Commissioners, whose duty it shall be, or a majority of them, to examine the account of Shackelford and Pullen for work and labor done by them on the capitol, and report the result of such investigation to the present General Assembly, with their opinion as to the value of said work; and to enable said Commissioners to discharge the duties hereby enjoined on them, they shall have power to summon any witness or witnesses to appear before them that they may deem necessary to a full and fair investigation of the above claim.

Approved February 9, 1848.

CHAPTER 233.

AN ACT to amend the charters of the Louisville Turnpike Company, and the Shelbyville Turnpike Road Company.

May charge
tolls on drays,
omnibuses, &c.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the charters of the Louisville Turnpike Company, and the Shelbyville and Louisville Turnpike Company, shall be so amended as to authorize said companies to impose and collect a rate of toll on drays, omnibuses, and every other vehicle, by whatever name designated, which shall pass any of the toll-gates on either of said roads, and change and modify the same, from time to time, as the said companies shall deem expedient and

proper: *Provided*, that said companies shall not be authorized, by any thing herein, to increase the dividend allowed by their charters and the amendments thereto, or to increase the tolls over the rates now allowed by the charters of said roads, and the several amendments thereto, on any vehicle of burden or pleasure, except on drays and omnibuses, or any other newly invented vehicle, by whatever name it may be called, which shall pass any of said gates with excessive loads.

1848.

Dividends and
tolls allowed by
charters not to
be increased.

Approved February 9, 1848.

CHAPTER 234.

AN ACT authorizing the County Court of Nicholas to subscribe stock in the Carlisle and Sharpsburg Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Nicholas County Court be and they are hereby authorized to subscribe stock in the Carlisle and Sharpsburg Turnpike Road, which passes through said county, a majority of the Justices being on the bench: *Provided*, that the stock so taken shall be laid out and expended upon that portion of said road within said county.

Approved February 10, 1848.

CHAPTER 236.

AN ACT to establish the Cumberland River, Fairview and Green River Road.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That William Morrow, John W. Lacky and H. B. Wilkins, of Todd county; and David Lacy, Lewis Templeton and Abram Keener, of Christian county, be and they are hereby appointed Commissioners to view, select and mark out, the best practicable route of a road from Pembroke, in Christian county, by the town of Fairview, in Todd county, thence by the Pilot Rock, to intersect the road leading from Hopkinsville to Greenville, at or near the White Plains, in Christian county. That it shall be the duty of the Commissioners, or a majority of them, from each county, to meet at Fairview, or at some other convenient point on the route, on or before the first day of June next, and proceed to perform the duties required by this act; and when they have viewed, selected and marked out the way, as proposed in this act, they shall report the same to their respective County Courts, whose duty it shall be to allow the Commissioners, who act, not exceeding one and a half dollars per day for their services, for every day they are necessarily employed.

Com'rs to view
and mark out
road.

Route.

Com'rs, where
& when to meet,
and how to proceed.

Pay.

1848.

Duty of C'ty
Court.

SEC. 2. That, at the first term of the County Court after such return is made, it shall be the duty of said County Courts to appoint one or more overseers, with an allotment of a sufficient number of hands, in the estimation of said courts, to cut out said road twenty five feet wide.

Court to ap-
point overseers
and allot hands.

Road may be
changed.

SEC. 3. That it shall be the duty of said County Courts, so soon as said road is cut out, to appoint overseers, with an allotment of hands sufficient to keep said road in good repair, as the laws in force direct. The said County Courts shall have full power to change any part of said road, whenever a majority of said courts think it advisable, and shall possess the same powers over said road which they possess over any other road of their respective counties.

Writ of *ad quod
damnum* award-
ed.

SEC. 4. If the owner or owners of any land through which this road shall pass, and who will not previously consent to opening the same, they shall be entitled to a writ of *ad quod damnum*, in the usual way, to ascertain what damages, if any, will accrue to the owner or owners of the land through which said road will pass, taking into consideration the benefits as well as the value of the land as aforesaid.

Approved February 10, 1848.

CHAPTER 237.

AN ACT to change, in part, the Old State Road from Owingsville to Big Sandy.

Change design-
ated.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That, hereafter, the State road leading from Owingsville to the mouth of Big Sandy, be and the same is hereby changed, as follows: leaving the old road at the lower end of the farm now occupied by Charles N. Lewis, at the crossing of Barrett's creek, near where Andrew J. Lansdown formerly lived; thence with the county road, through Grayson, to the crossing of Little Sandy, at what is called the Crawford Ferry, (about one mile above where the old road crosses the river,) and with the county road to David Coburn's, where it again intersects the old State road.

Labor to be
done on part
changed.

SEC. 2. That all the labor which is now required by law to be applied on the old State road, between the points designated as above, shall be bestowed on the part by this act designated, in the room of the old way; and the Carter County Court may keep open any part of the old road, as other county roads, or let it stand as discontinued.

Approved February 10, 1848.

CHAPTER 238.

1848.

AN ACT to amend an act, entitled, an act to establish the Fontaine's Ferry Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the act entitled, an act to establish the Fontaine's Ferry Turnpike Road Company, approved February 22, 1847, be so amended that said Company may and shall have the right, if to them deemed advisable, to construct, in whole or in part, said road with plank, instead of stone or gravel.

Approved February 10, 1848.

CHAPTER 239.

AN ACT appropriating the proceeds of the sale of vacant lands in Nicholas county to the purposes of Internal Improvement within said county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Nicholas County Court be and they are hereby authorized to appropriate the fund arising from the sales of vacant land, within said county, to purposes of Internal Improvement within said county, as the other counties east and north of the Tennessee river are authorized to do by an act, entitled, an act to appropriate the vacant lands in this Commonwealth, north and east of the Tennessee river, to the counties in which they lie for the purpose of Internal Improvement, approved February 28, 1835.

Approved February 10, 1848.

CHAPTER 241.

AN ACT for the benefit of Calvin and Mary Johnson, of Clinton county, and Elizabeth Ann Deacon and Thomas Deacon, of Bullitt county.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That Calvin Johnson, of Clinton county, be and he is hereby divorced from his wife, Mary Johnson, and restored to all the rights and privileges of an unmarried man.

Calvin & Mary Johnson divorced.

SEC. 2. *Be it further enacted,* That Mary Johnson, of Clinton county, be and she is hereby divorced from her husband, Calvin Johnson, and restored to all the rights and privileges of an unmarried woman, and to her maiden name of Mary Braswell.

SEC. 3. *Be it further enacted,* That the marriage contract existing between Thomas Deacon, and his wife, Elizabeth Ann Deacon, of Bullitt county, be and the same is hereby dissolved, and the said Elizabeth Ann restored to all the

Elizabeth Ann Deacon divorced.

1848.

rights and privileges of an unmarried woman, and to her maiden name of Elizabeth Ann Peacock.

Thos. Deacon
divorced.

SEC. 4. *Be it further enacted*, That Thomas Deacon be and he is hereby divorced from his wife, Elizabeth A. Deacon.

Approved February 10, 1848.

CHAPTER 242.

AN ACT to incorporate the Lexington and Newtown Turnpike Road Company.

Authorising a
Company.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That a company is hereby formed, for the purpose of making a Turnpike Road from the city of Lexington, or from some point on the Lexington and Gergetown Turnpike, to pass by Lemon's Mill, on North Elkhorn, and intersect the road from Paris to Georgetown, at or near Newtown, in the county of Scott.

Capital, and
how subscribed.

SEC. 2. The capital stock of said Company shall be forty thousand dollars, divided into shares of one hundred dollars each; and subscriptions may be taken up by each of the commissioners hereinafter named, for one year after the passage of this act, unless the whole amount shall be sooner taken up.

Com'rs, their
duties.

SEC. 3. The following persons are hereby appointed commissioners to perform the duties required by this act: In the county of Fayette, Robert J. Breckinridge, Samuel Coleman, David Castleman, Stark Taylor, George Gorham, John Brand, John L. Elbert and Isaac Shelby; and of the county of Scott, Ezra Offutt, James C. Lemon, Wm. A. Smith, C. M. Flournoy and J. M. Garth.

Books to be
procured & obli-
gation signed.

SEC. 4. The said commissioners, or as many of them as may act, shall procure one or more books or subscription papers, in which the persons taking stock shall bind and oblige themselves, in writing, to pay to the "Lexington and Newtown Turnpike Road Company," (by which name and style said Company shall be known,) the sum of one hundred dollars for each share subscribed for by them, in such proportions, and at such times as shall be determined by said Company or corporation.

Meeting, how
& when called.

SEC. 5. As soon as one hundred shares in said Company are subscribed for, it shall be the duty of said commissioners, or as many of them as may act, to give two weeks notice, in some newspaper printed in the city of Lexington, of a meeting of the stockholders, at some convenient place in said city, for the purpose of choosing officers of said Company; and in choosing said officers, the stockholders shall vote according to the number of shares they hold respectively, one vote for each share.

SEC. 6. The width of the road shall be not less than thirty nor more than fifty feet; and the artificial part thereof, covered with stone, shall not be less than twelve feet wide. The elevation of the grade of the road shall be fixed and regulated by the President and Managers of the Company.

1848.

Road, how to be constructed.

SEC. 7. It shall be lawful for the Fayette and Scott County Courts, the Trustees of any towns, or any corporations created by law, and for all natural persons, to subscribe for and hold shares in the capital stock of said Company; and such artificial persons or bodies as may subscribe, shall have the same right to represent their shares, by an agent, that the other stockholders have.

C'ty Courts may subscribe stock.

SEC. 8. So soon as the said Company is organized, the President, managers and other officers shall possess all the authority, rights and privileges, and shall do all the acts and things necessary for carrying on and completing the said Turnpike Road, as well as laying out and locating the road; and shall be subject to all the duties, qualifications, restrictions, penalties, pains and forfeitures (if any;) and be entitled to like tolls and profits as those given and granted to the Maysville and Lexington Turnpike Road Company; and all the provisions of the act, approved January 22d, 1827, incorporating the Maysville and Lexington Turnpike Road Company, are hereby enacted as a part hereof, except so far as provided for in the preceding part of this act, or may come in collision with the provisions of the same; and, also, so much of the 14th section thereof as requires notice to be given to the Governor when five miles of said road shall be completed, and a license from him to erect gates, &c., the President and managers of said road being authorized to perform that duty; and, also excepting the 27th, 28th and 29th sections of that act.

Company, when formed, to be governed partly by provisions of charter Lexington & Maysville Turnpike

SEC. 9. There shall not be more than three gates on said road, and they, or any less number, shall be put up at such convenient places as the President and managers shall, from time to time, direct.

Number of gates.

Approved February 10, 1848.

CHAPTER 243.

AN ACT for the benefit of James Jenkins, of Warren county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the County Court of Warren county, a majority of all the Justices in commission in said county being present, shall have power, and are hereby authorized, to change the State Road, leading from the mouth of Salt River, by way of Litchfield, to Bowlinggreen, where said road passes through the lands of James Jenkins, John H. White and George Bratton, in said county of Warren, if, in

1848.

the opinion of said Court, no injury shall result therefrom to the public or to individuals.

Approved February 10, 1848.

CHAPTER 244.

AN ACT allowing additional Justices of the Peace to Morgan, Owsley, Hardin and Henry counties.

To Morgan.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That an additional Justice of the Peace be allowed to the county of Morgan, who may reside in the Little Sandy precinct, in the neighborhood of John Adkins and Francis Hunter.

To Owsley.

SEC. 2. That an additional Justice of the Peace be allowed to Owsley county, who may reside on upper Buffalo Creek.

To Hardin.

SEC. 3. That an additional Justice of the Peace be allowed to Hardin county, who may reside in the neighborhood of the Big Spring, in said county.

To Henry.

SEC. 4. That an additional Justice of the Peace be allowed to Henry county, who may reside in the town of Campbellsburg.

Approved February 10, 1848.

CHAPTER 245.

AN ACT for the benefit of the Maysville and Mountsterling Turnpike Road.

Tolls, after paying expenses, to be applied to finishing road, if majority stockholders vote for it.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That, from and after the passage of this act, all the tolls and moneys received by the Maysville and Mountsterling Turnpike Road Company, after defraying the expenses thereof, shall be appropriated to the further construction of said road until the same shall be completed: *Provided*, that the individual stockholders, or those of them holding a majority of the stock, shall assent thereto, in the manner hereinafter provided for: *And provided also*, that further subscriptions of stock in said road shall be made equal to such residue of profits received by the Company, and shall be paid in when called for pursuant to the original act incorporating said Company.

Meeting of stockholders to be held and vote taken.

SEC. 2. That, at any time before the first day of July, 1848, a meeting of the stockholders shall be called, to be held at Flemingsburg, notice thereof being given for three weeks previously in the newspapers published at Maysville and Mountsterling, in order to ascertain their will in regard to a surrender of the profits of the road for the purpose aforesaid; at which meeting the President of the

Company shall take the votes offered; and if a majority be in favor of surrendering the profits, as aforesaid, he shall certify the polls, and cause the same to be recorded on the books of the Company; and so soon thereafter as practicable, the President and Directors shall proceed to the further construction of the road, finishing that part of the road which has been graded, in Montgomery county, and then applying the funds to such other portions as in their judgment shall seem best for the interest of the Company.

1848.

Part to be finished first.

Sec. 3. That, if the Directory of said road shall deem it advisable, they shall have power to extend the maximum grade to three and a half degrees, and limit the width to twenty four feet for the grade, and sixteen feet for the rock, on all that part of the road now unfinished.

Grade may be extended and width reduced.

Sec. 4. That, if the Directors shall think proper, and there be not enough of stock subscribed, with the tolls of the road, to complete the road in a reasonable time, they may grade the balance, after completing the part now graded, in Montgomery county, and the same may be used until the Company shall be able to complete it. But, in this case, only half toll shall be charged on the part not completed with rock.

May grade part unfinished.

Approved February 10, 1848.

CHAPTER 246.

AN ACT to incorporate the Trustees of the Covington Female College.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That James T. Morehead, H. Martin, Wm. Hopkins, C. W. Howell and Henry Buckner, of the city of Covington, and their successors in office, be and they are hereby created a body politic and corporate, by the name and style of the Trustees of the Covington Female College, and by that title to have perpetual succession, with power to sue and be sued, plead and be impleaded, to acquire, hold and convey property, both real, personal and mixed, and to have and use a common seal.

Corporators names.

Name and style, and power.

Sec. 2. That the Trustees incorporated by this act, shall, at their first meeting after its passage, choose, from their own body, annually, a President, Treasurer and Secretary; and the said Trustees shall fill all vacancies occurring in their own body, or in said offices; and at all meetings of the Board, a majority shall constitute a quorum to do business.

President, Treasurer, &c., to be elected.

Sec. 3. That the Trustees shall have power to appoint a principal of said Institution, and such professors and instructors as may, at any time be necessary for the instruction of the pupils therein in the arts and sciences, and

May appoint principal and assistant teachers

1848.

May make rules
and regulations,
prescribe course
of study, and
confer honors.

in all necessary, useful and ornamental branches of a thorough and liberal education, such as taught in the best female colleges. And the said Trustees shall have power to make such rules and regulations as they may deem expedient for the government and conduct of said institution; to prescribe such course of study, and such mode of instruction therein, as they may judge best; and to confer on those pupils whom they shall deem worthy, all such literary honors and degrees as are usually conferred by the best female institutions or academies.

Approved February 10, 1848.

CHAPTER 247.

AN ACT for the benefit of Eliza Cowen.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the marriage contract heretofore existing between Eliza Cowen and John Cowen, be and the same is hereby dissolved, so far as respects the said Eliza, and she is restored to all the rights and privileges of an unmarried woman.

Approved February 10, 1848.

CHAPTER 248.

AN ACT to change the name of Nelly S. Craig.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the name of Nelly S. Craig, of Laurel county, be and the same is hereby changed to Nelly S. Pitman, her former name; and that by the last mentioned name she shall be hereafter called, styled and known.

Approved February 10, 1848.

CHAPTER 249.

AN ACT for the benefit of the Sheriff of Cumberland county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the further time of two years be allowed A. G. Waggener, Deputy Sheriff of Cumberland county, to collect all arrearages of revenue and county levy tax due him for the years 1846 and 1847, and such fees as may be due him for those years.

Approved February 10, 1848.

CHAPTER 250.

1848.

AN ACT for the benefit of the heirs of Joshua Wallace, deceased.

WHEREAS, it appears that Joshua Wallace, deceased, in his life time laid out and sold several lots of ground in the town of Lockport, in Henry county, and died without having made deeds of conveyance for the same; and said lots having been purchased by different persons at small price. Now, in order to prevent multiplicity of suits,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it may be lawful for the heirs, or any one of them, of said Joshua Wallace, to file a bill in chancery in the Henry Circuit Court, and bring the purchasers of said lots, and all others interested, before the Court; and, after hearing said cause, the said court may cause deeds of conveyance to be made to the purchasers, and make such other orders as may be necessary to secure the payment of the purchase money, and to do complete equity between the parties.

Approved February 10, 1848.

CHAPTER 252.

AN ACT for the benefit of Wm. D. Mitchell, Clerk of the Oldham Circuit and County Courts, and others.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That William D. Mitchell, Clerk of the Oldham Circuit and County Courts, be and he is hereby allowed until the first day of June, 1848, to list his uncollected fee bills for the years 1843, 1844, 1845 and 1846, with the Sheriff or any Constable of said county for collection; and the same shall be collected in the same manner as though they had been listed with the collecting officer within the period prescribed by law: *Provided, however*, said Mitchell shall be subject to all the fines and forfeitures now imposed by law for the illegally issuing and listing fee bills.

Clerk Oldham
allowed further
time to list and
collect fees.

SEC. 2. That it shall be lawful for the Clerks of the Mercer Circuit and County Courts, at any time within three years after the passage of this act, to issue and make distress for all fees still due and unpaid to them, under the rules and regulations, pains and penalties of the laws now in force.

Clerks of Mer-
cer allowed fur-
ther time to is-
sue and collect
fees.

Approved February 10, 1848.

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CHAPTER 253.

AN ACT to establish a State Road from Thomas Dance's Tavern, in Pendleton county, to intersect the Colemansville and Covington Road at or near Fiskburg, in Kenton county.

Com'rs to view road. Route designated. SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That Reuben Coleman, Henry Fugate and David L. Fisk, be and they are hereby appointed Commissioners to view the best way for a road, commencing at the tavern of Thomas Dance, in Pendleton county; thence to the Gum Lick, the house of Henry Fugate, Benson's Mills, Knoxville, and the house of Livingston U. Carlisle, to intersect the State road from Colemansville to Covington, at the Wilmington meeting house, in Kenton county.

Com'rs to be sworn, their duties. Width of road. SEC. 2. That said Commissioners shall, after being sworn by some Justice of the Peace to perform the duties enjoined by this act, proceed to view and plainly mark the way for said road, having due regard to the points named in the first section, and report to the County Courts of Pendleton and Kenton counties the way viewed and marked by them, together with the names of the proprietors through whose lands said road may pass; and upon the reception of said report, said Courts shall, if in their opinion said road will be of sufficient public utility, cause the same to be opened at least forty feet wide, in their respective counties under the laws regulating the establishment and opening of roads.

City Courts may change the route designated. SEC. 3. That said County Courts shall have full power to change or alter the route designated by this act, if a better or nearer way can be had, and to change and alter the same in their respective counties, after the same shall have been opened, if the public good requires it.

Approved February 18, 1848.

CHAPTER 254.

AN ACT to amend the Charter of the Oakland Turnpike Road Company.

May declare dividends not exceeding 10 per cent. Proviso. SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the 12th section of an act, entitled, "an act to amend the laws regulating the management of the Wilderness Road and Madison Fork, and to amend and reduce into one the several acts incorporating the Oakland Turnpike Road Company," be so amended that the Oakland Turnpike Company shall have the right, after the road is finished, to declare dividends to the stockholders, not exceeding ten per cent. per annum, on each one hundred dollars worth of stock of said Company: *Provided*, that nothing in this act contained shall authorize the Oakland Turnpike Company to charge a higher rate of toll than the Louisville and Elizabethtown Turnpike Road have the right to charge.

Sec. 2. That said Company shall have the right, at their discretion, to construct a plank road way of not less than sixteen feet in width, in whole or in part, in lieu of the metal road as provided for in the law to which this is an amendment.

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May construct plank road.

Approved February 18, 1848.

CHAPTER 255.

AN ACT to incorporate the Taylor's Mill Turnpike Road Company.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That a company shall be formed under the name, style and title of the Covington and Taylor's Mill Road Turnpike Company, for the purpose of forming and making an artificial road.

Style of incorporation.

Sec. 2. *Be it further enacted*, That the capital stock of said company, shall be thirty thousand dollars, to be divided into shares of fifty dollars each; and if it shall be ascertained that the amount of capital stock shall not be sufficient to accomplish the object of this act, then the President and Directors may enlarge it to such an amount as they may deem necessary, and open subscriptions therefor, in such manner as they may think proper.

Amount of capital.

Sec. 3. *Be it further enacted*, That books, for the subscription of stock in said company, shall be opened on the first Monday in April next, or as soon thereafter as may be convenient, at the City of Covington, in Kenton county, under the direction of O. N. Sage, John S. Bush, Isaac Lemaire and William Lowry; and also at the house of Hiram Klett, Postmaster in the McCullum neighborhood, under the direction of Hiram Klett, C. C. Osburn and — Patent; also, at the house of William Coleman, Esq., in the Coleman neighborhood, under the direction of Wm. Coleman, John Simmonds and William Reddick, or some two or more of them at each place, who are hereby appointed Commissioners. The said Commissioners for each place shall procure a book or books, and the subscribers to the stock of said company shall enter into the following obligation in said book or books, to-wit: "We whose names are hereunto subscribed, promise to pay to the President, Directors, and Company of the Covington and Taylor's Mill Road Turnpike Company, the sum of fifty dollars for every share of stock in said Company, and agreeably to an act of the General Assembly of Kentucky incorporating said Company: Witness our hands this — day of —, eighteen hundred and forty —." The said Commissioners, or a majority of them, shall give notice, in one or more of the newspapers published in Covington, of the time and places of opening the books for the subscription of

Books for subscription to be opened.

Subscribers to enter into obligation.

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stock in said Company : and that they will continue open until the amount of capital stock shall be subscribed.

Com'rs to call
meeting to elect
officers.

Officers to take
an oath.

Treasurer to be
appointed, and
to give bond.

SEC. 4. *Be it further enacted*, That, so soon as seven thousand five hundred dollars shall be subscribed, the said Commissioners, or such of them as may act, shall, at such a time and place as they may appoint, call a meeting of the stockholders and hold an election for a President and six Directors, who shall hold their office for one year, and until others shall be elected and duly qualified. The said President and Directors shall, before they enter upon the duties of said office, take an oath before some Justice of the Peace, that they will faithfully perform the duties of President and Directors, (as the case may be,) without favor or affection, according to the best of their judgment. That, upon the qualification of the President and Directors, they shall appoint a Treasurer, and such other officers as they may deem necessary, who shall hold their office for one year, and until others shall be appointed. The Treasurer of said Company shall, before he enters on the duties of his office, give bond, with two or more good securities, in such penalty as the President and Directors may direct, payable to the President and Directors of said Company, conditioned that he will faithfully discharge the duties of Treasurer, and that he will, when called on, pay the amount of moneys in his hands to the order of the President and Directors; and that he will perform the duties required of him by the by-laws of said Company.

Corporate pow-
ers.

SEC. 5. *Be it further enacted*, That, upon the election and qualification of the President and Directors, as aforesaid, they shall be a body politic and corporate, in deed and in law, by the name and style of the Covington and Taylor's Mill Road Turnpike Company; and by the said name, the said Company shall have perpetual succession, and all the privileges and franchises incident to a corporation; and shall be capable of taking and holding their said capital stock, and the increase and profits thereof; and of purchasing, taking and holding, to them and their successors and assigns, and of selling, transferring and conveying, in fee simple, all such lands, tenements, hereditaments, and real and personal estate, as much as shall be necessary to them in the prosecution of their work; to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, in courts of record, or any other place whatever; also, to have a common seal, and to do all and every matter and thing which a body politic or corporate may lawfully do.

How stock-
holders can vote

SEC. 6. *Be it further enacted*, That the number of votes to which each stockholder may be entitled, shall be according to the number of shares he shall hold; and, after the first election, no share or shares shall confer a right of voting, which shall not have been holden three months previous

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to the election. The stockholders may vote in person or by written proxy, and no person who is not a resident of Kenton county and stockholder, shall be eligible as President, Director or Treasurer; and the President and Directors shall cease to be such in his or their ceasing to be a stockholder. The annual election for a President and Directors shall be holden annually, on the first Saturday in May, in Covington, at such place as may be directed; at which time the President shall lay before the stockholders an expose of the situation of said Company, also, the record of their proceedings for the preceding year. The Company shall have power to fix the days and places of their annual meetings and general elections, and pass all by-laws necessary for the regulation of their proceedings and interests.

President and Directors to be elected annually.

SEC. 7. *Be it further enacted*, That the President and Directors first chosen, as aforesaid, shall deliver a certificate, signed by the President and countersigned by the Treasurer, and sealed with the seal of said corporation, to each stockholder, for the stock subscribed by him and held; which certificate or certificates shall be transferable on the books of said corporation, in person or by attorney; but no share shall be transferred until all the calls and arrearages are paid thereon. The original certificate of the share or shares transferred, shall be surrendered, and a new certificate shall issue to the purchaser, who shall then be a member of said corporation, and entitled to all the privileges and benefits that the original owner was entitled to.

Certificates of stock to be transferred.

SEC. 8. *Be it further enacted*, That the President may call meetings of the Directors at such times and places as he shall see proper; a majority of all the Directors shall constitute a quorum to transact business. They shall keep a record of their proceedings, to be entered in a book provided for that purpose, and shall be signed by the President, and in absence of the President, the Directors shall elect one *pro tem.*; they shall adjourn from time to time as they may think proper. The Board of Directors may, also, allow the President and Treasurer such compensation as may be deemed reasonable.

President to call meetings.

SEC. 9. *Be it further enacted*, That the President and Directors shall have power to fill vacancies in their body, occasioned by death, resignation or otherwise; to agree with, and appoint all such Surveyors, Engineers, Superintendents, Artists, Officers, &c., as they shall deem necessary to carry on the work; to fix their salaries and wages; to remove any of them at pleasure; to provide the time, manner and proportions in which the stockholders shall make payments on their respective shares to carry on said work; to draw orders on the Treasurer for all moneys necessary therefor, and to do all such matters and things as by

Vacancies—how filled.

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President to
give notice of
call on stock.

this charter, and the by-laws of the corporation, they are authorized to do.

SEC. 10. *Be it further enacted*, That the President shall give notice in one or more newspapers printed in Covington, for at least thirty days, of the amount of the call on each share of the stock, and of the time of payment; if any stockholder shall neglect or refuse to pay his proportion of the stock for the space of thirty days after the time appointed for the payment thereof, every such stockholder shall, in addition to the instalment called for, pay at the rate of one per cent. per month for every delay of such payment; and if he shall fail to pay the amount of such call, and the penalty aforesaid, for the space of six months after the time of such payment is required, he shall forfeit such share or shares to the corporation, and the amount that shall be paid thereon; and the President, by order of the Directors, after having ten days' public notice, may proceed to sell such forfeited shares: *Provided*, they will bring the amount due and unpaid upon said share or shares: *And provided, also*, that no shareholder shall vote at any election, or be entitled to the rights of a member of said corporation, until the whole amount due and payable, as aforesaid, on the share or shares by him held, shall have been paid, agreeable to the requisitions of the President and Directors.

How to be
graded.

SEC. 11. *Be it further enacted*, That the said road shall be so leveled and graded, that, when completed, its greatest elevation shall not exceed four degrees. The width of the artificial part of said road shall not be more than forty-five, and the portion of it covered with metal or McAdamized stone, shall not exceed eighteen feet, and be fully nine inches in thickness or depth from side to side of that width.

President and
Directors to em-
ploy Engineers,
&c.

SEC. 12. *Be it further enacted*, That it shall be the duty of the President and Directors, or a majority of them, to fix the route over which said road shall pass; and, for that purpose, to employ all necessary Surveyors, Agents, Engineers, Artists, Chain Carriers, &c., at the costs of the Company; and they are hereby authorized to enter in and upon the land and enclosures, public roads and highways in, through and over which said intended road may be thought proper to pass, and to examine and survey the ground therefor; to examine for quarries, beds of stone, and other materials necessary for the completion and repairs of said road; and, having due regard to economy, they shall locate the road on as direct a line as the ground will admit of from the termination of Scott or Greenup streets, at the corporation line of Covington, by the way of Taylor's Mill, on Bank Lick creek and De Courcy's creek to Thomas Steverns, ten miles.

SEC. 13. *Be it further enacted*, That in case the corporation shall not be able to acquire the title to the lands over

which the road shall be laid, by purchase or voluntary cession, it shall be lawful for said corporation to appropriate so much of said lands as may be necessary to its own use, for the purposes contemplated by its charter, on complying with the provisions of the seven following sections.

SEC. 14. The Directors shall present a petition to the resident Judge in the circuit where the land lies, setting forth the lands or materials wanted for the construction of their road, or the appendages thereto, and the names of the owners thereof, if known, distinguishing with convenient certainty, if it can be done, the parcels claimed in severalty by the respective owners, and praying for the appointment of appraisers to assess the damages which owners of such land will severally sustain by reason of the appropriation thereof by the corporation to its own use.

SEC. 15. On the presentation of such petition, the said Judge shall appoint a day for the hearing of the parties interested, and shall direct such notice as he shall deem reasonable, to be given of the time and place of hearing. In case it shall appear that any of the owners of the said land are unknown, or *feme covert*, an infant, insane, or otherwise incompetent to take care of his, her, or their interests, it shall be the duty of the Judge to appoint some discreet and responsible person to act in the premises, in his, her, or their behalf, to whom the corporation shall make reasonable compensation for such services, to be awarded by the Judge.

SEC. 16. At the time appointed for such hearing, the said Judge shall appoint three disinterested freeholders, residents of the county in which the land is situated, for the purpose of assessing such damages, and in the order for their appointment, shall direct as to what lands are to be appropriated by said corporation for the purpose aforesaid.

SEC. 17. The said appraisers, after being sworn, before some officer authorized to administer oaths, honestly and impartially to assess such damages, and to take into consideration all the advantages and disadvantages that may accrue to the owners of the said land, by reason of the location of the road, and by such other evidence as the parties may produce before them, to ascertain and assess the damages which each individual owner will sustain by the appropriation of his land for the use or accommodation of such road or its appendages.

SEC. 18. The said appraisers shall make a report, in writing, under their hands and seals, to the said Judge, within ten days from the receipt of their commission, reciting the order for their appointment, and specifying the parcel or parcels of lands described therein, with all necessary certainty; the names of the owners of the respective parcels, if known; and if not known, stating that fact, and specifying, also, the damages which the owners of said respective parcels will sustain by reason of the appropriation of the

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Lands, &c.,
may be appropri-
ated.

Mode of pro-
ceeding to con-
demn lands and
materials.

Notice to be
given to persons
interested.

Judge to ap-
point assessors

Assessors to
be sworn.

Appraisers to
report.

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same for the purposes aforesaid ; and in either case, if the parties are dissatisfied with the assessment, the Judge may, on the hearing of the parties interested, modify the assessment as shall appear just : *Provided, however*, that if, in the opinion of the Judge, justice will be better secured between the parties, (and not otherwise,) by extending the number of appraisers or jurors to twelve, in place of three, he is authorized to do so, who shall take proceedings the same as are specified in case the number were not extended. In case of a failure to find a verdict, by disagreement or otherwise, the Judge is authorized to order the proceedings anew, as though none had been previously taken.

On payment of damages the corporation to be entitled to the land, &c.

SEC. 19. *Be it further enacted*, That, on payment of the damages thus assessed, together with the expenses of assessment, as the same shall be settled by the Judge, or in depositing the amount thereof for the use of such owners, in such place as the Judge shall direct, in writing, the corporation shall immediately become entitled to the use of said land or other property, for the purposes aforesaid ; and the report of said appraisers, with the order of the said Judge, modifying the same, in case the same shall have been modified, may be recorded in the office of the Clerk of the county where the lands or other property may lie, in the same manner and with the same effect as deeds are recorded, without any other proof than the certificate of the said Judge, that the report is genuine.

Who to act in case Judge is interested.

SEC. 20. *Be it further enacted*, That, in case the Judge in the circuit where the land or other property may be, is interested therein, or related to the party claiming title to the property wanted, it shall be lawful for the corporation to apply to a Judge in an adjoining district, who shall proceed in the settlement and adjustment of the matter in controversy, in the same manner, and with the same effect as though the land or other property wanted lay within his own Judicial District.

A toll-gate to be erected when five miles of the road is completed.

SEC. 21. So soon as any five miles of said road, continuously, shall be completed, three Justices of the Peace, in the county in which said five miles, or the major part thereof shall be located, who are not interested in the stock of said Company, shall be called on to examine the work ; and if they shall certify that said road is made in conformity with the provisions of this act, the certificate shall be recorded in the office of the County Court of said county ; and the President and Directors may cause a toll gate to be erected across said road, and may collect the tolls and duties hereinafter granted to said Company, from all persons traveling with horses, cattle, carriages, &c., &c. In case such disinterested Justices cannot be found, the President and Directors may give notice thereof to the Circuit or County Court of said county, and on such notice being entered of record, the said Court shall appoint three fit and

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discreet persons as Commissioners, whose duty it shall be to inspect said road, or so much thereof as shall be completed, and if it shall be their opinion that the road, or any five miles of it, at any one part, is completed according to the provisions of this act, their report shall be recorded in said Circuit or County Court, and the Judge or Court shall enter of record, how many gates the Company may erect; whereupon, it shall be lawful for the Company to erect a toll gate for every five miles of turnpike road they have so completed, at any one time, and at such places as to them may seem most eligible: *Provided*, that no toll gate shall be erected within less than two miles from Covington.

SEC. 22. *Be it further enacted*, That when the said gate or gates shall be erected, as aforesaid, it shall and may be lawful for the President and Directors to appoint as many toll gatherers as they may deem requisite, and to collect and receive of, and from all and every person or persons using said road, at each toll gate, for each and every five miles they may use or travel on, the tolls and rates hereinafter mentioned, and to stop any person riding, leading, or driving any horse or mule, or driving any cattle, sheep, hogs, sulkey, chair, chaise phaeton, cart, wagon, or any other carriage of burthen or pleasure, from passing through said gate or turnpike, until they shall have paid toll agreeable to the following rates, viz: For every twenty head of sheep, hogs, or other small stock, six and a fourth cents; for every horse, mule, ass, or other four footed animal of a larger kind, except cattle, four cents; for every two wheel pleasure carriage, eight cents, exclusive of the beasts by which it is drawn, and the person or persons transported in it; for every four wheel pleasure carriage, fifteen cents, exclusive as above; for every cart, if empty, ten cents, and with a burthen fifteen cents; for every four wheel wagon, or other carriage of burthen, whose wheels shall not exceed three inches in width, twenty five cents; for every such carriage of burthen, whose wheels shall exceed three inches, but are not more than six inches in width, twenty cents; for every such carriage of burthen, whose wheels shall exceed six inches in width, ten cents, exclusive of the established toll herein of the beasts by which they are drawn. The President and Directors shall cause printed lists of the rates of toll which they may lawfully demand, to be affixed at each toll gate on the road.

Toll-gatherers
to be appointed.

Rates of toll.

Printed list of
rates of toll to
be put up at each
gate.

SEC. 23. *Be it further enacted*, That if any person, liable to pay the tolls aforesaid, at either of the toll gates erected in pursuance of the aforesaid provisions, shall, with intent to defraud the Company, pass through any private gate or bars, or along or over any grounds or lands near to, or adjoining any turnpike or gate; or with intent aforesaid, shall take off, or cause to be taken off, any horse, cattle or other thing on which toll should be paid, or with intent to

Persons ana-
ble for refusing
to pay toll.

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lessen or evade the payment of any such toll or duty, shall practice any other fraud or device, or use force; such person, so offending, shall, for every such offence, respectively, forfeit and pay, over and above the tolls, to the President and Directors of said Company, a sum not less than one dollar, nor more than five dollars, recoverable before a Justice of the Peace, in like manner as other debts of equal amount are in other cases.

No tolls to be charged when road is out of repair.

SEC. 24. *Be it further enacted*, That if, at any time, the road shall be out of repair for the space of ten days, it shall be lawful for any person to call on two Justices of the Peace, in the county through which the road passes, to go and inspect said road; and if, upon such examination, and receiving full proof that it had been out of repair ten days, the said Justices, by their order, delivered to the Treasurer of said Company, or in his absence, to the President or nearest toll gatherer, direct that no toll or duty shall be received at the gate or gates, over each part of said road so found to be out of repair, until so much of the road shall be repaired and put in good order; and upon the road being repaired, the President and Directors shall call a Justice of the Peace, who shall cause to be summoned, five disinterested freeholders, to examine the road, under oath, and if they shall be of opinion that the road is in proper repair, they shall certify to that effect, under their hands and seals, and the Magistrate shall thereupon direct that the usual toll be demanded and taken at the gate or gates which had been thrown open agreeably to the provisions of this act.

Toll-gatherer liable for charging more than is allowed by law.

SEC. 25. *Be it further enacted*, That if any toll gatherer or other, shall demand, take or receive, from any one using said road, a greater amount of toll than is provided for in this act, or shall take or receive toll when the road is declared to be out of repair, the person, so offending, shall forfeit the sum of ten dollars, one half of which may be claimed by the party injured, to be recovered before any Justice of the Peace, as other debts of a like amount.

Dividends to be declared.

SEC. 26. *Be it further enacted*, That the President and Directors shall keep a fair account of all the receipts and expenditures of the Company, which shall, at all times, be open to the inspection of any stockholder, and be laid before the shareholders at their general meetings; they shall, at the end of every six months, after the completion of said road, make a dividend of the clear profits, and pay it to the stockholders. The dividends shall be declared on the first of May and November, in each year, unless otherwise ordered by the by-laws: *Provided, however*, that, if the net proceeds of the toll, at the rates herein allowed, shall not produce a dividend of net profits of six per cent. per annum, on the cost of said road, the same may be increased so as to produce six per cent. per annum; and if the said rates shall be found in any year to produce more than twelve per

cent. per annum, they shall be reduced so that they will not exceed twelve per cent. per annum.

Sec. 27. The President and Directors shall take bonds, with good security from the gate keepers, and other persons employed by them, for the faithful discharge of the duties assigned them respectively; which bonds they may cause to be renewed whenever they deem it necessary, payable to the President, Directors and Company, as aforesaid.

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Gate keepers,
&c., to execute
bonds.

Sec. 28. *Be it further enacted*, That if any person shall wilfully break, deface, pull down, or destroy any mile stone, or other post, which the Company may erect or set up on the side of said road; or shall break or tear down any sign board, or obliterate any letters or figures thereon; or tear down or obliterate the rates of toll, set up on or near any turnpike gate, such person, so offending, shall, for every such offence, forfeit and pay a sum not less than one dollar, nor more than ten, according to the value of the article injured, to be sued for and recovered, as other sums are, before any Justice of the Peace of the county.

Persons fine-
ble for tearing
down any sign-
boards, &c.

Sec. 29. *Be it further enacted*, That if any person shall belt or deaden timber, and leave it standing to rot or decay, within one hundred and fifty feet of said road, so that the lives of passengers along the road may, at any time, be endangered thereby, such person, so offending, shall forfeit and pay the sum of ten dollars, to be sued for and recovered as in other cases mentioned; and the owners of land along said road, are hereby required to cause to be cut down, all such dead timber as may be left standing within the distance of the road specified, under the penalty of one dollar for every dead tree thus suffered to stand.

Persons fine-
ble for deadening
timber within
150 feet of said
road.

Sec. 30. *Be it further enacted*, That all wheel carriages using said road, in passing other wheel carriages, shall keep on the right hand side, leaving at least one half of the track on the other side, free and clear for other carriages to pass and repass, except when overtaking or passing a carriage of slower draught, when they may pass on either side, the slow carriage leaving sufficient space; and every carter, wagoner or driver, offending against the provisions of this act, and failing to do as hereby required, shall be liable to the person injured, for all damages sustained, and a fine of five dollars, to be recovered before any Justice of the Peace as aforesaid.

All wheel car-
riages to pass on
right hand side.

Sec. 31. *Be it further enacted*, That all prosecutions for the penalties under the provisions of this act, shall be maintained and prosecuted at any time within six months after the offence was committed, and not afterwards, unless such suits shall have commenced within the time specified.

Limitation to
prosecutions.

Sec. 32. When any five miles of said road shall be completed, the President, Directors and Company may contract for, purchase, and hold, to them and their successors forever, any quantity of land not exceeding one acre, at the

President and
Directors to pur-
chase site for
toll-gate.

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site of each toll gate erected upon said road, agreeably to the provisions of this act: and if they cannot agree for such land at their respective gates, with the owner or owners thereof, they are authorized to possess themselves thereof, by application to the Judge in the district where the land lies, and proceeding as directed for the location of the road; *Provided, however,* that in the selection and appropriation of land under this section, the said President, Directors and Company, shall not include the dwelling house, out houses or gardens of any persons, without their consent; and shall not so locate the said land so as to prevent the owner or owners of the adjacent lands from access to said road on either side of any gate to which they would have had access, if such location had not been made.

Certain persons are exempt from paying toll.

SEC. 33. *Be it further enacted,* That nothing in this act contained shall be so construed as to impose toll fees upon the owners of lands through which the said road shall pass, their horses, cattle or servants passing on said road, from one part of their farm to another; or to impose toll fees upon venire men and grand jurors of the same county, passing to and from the Court to which they are summoned, or persons to or from any funeral, or with any funeral procession; nor shall any tolls be imposed upon citizens of the county, while going to and returning from the general elections in said county; nor upon militia, on days of muster, or attending courts of assessment, in pursuance of their duty; nor upon persons going to or returning from public worship on the Sabbath; nor upon persons passing to and from mill with grain; but all such persons shall, with their horses and vehicles, pass free of toll.

President and Directors to fix the rate of tolls of families.

SEC. 34. The President and Directors shall have power to reduce the rates of toll, as provided for in this act, in all cases of persons or families who have frequent occasion to pass through one or more of the gates, such as to a neighboring town: and instead thereof, may charge a reasonable annual toll or compensation for such persons and their families, who may be then allowed to pass whenever they think proper. The Treasurer shall keep an account of all persons making these annual contracts, and inform the gate keepers thereof, and furnish them with a list of the names of those persons who may avail themselves of the advantages herein allowed.

Treasurer to keep an account of all persons making annual contracts.

SEC. 35. *Be it further enacted,* That if the construction of the road, provided for in this act, shall not be commenced within four years from the passage hereof, the rights, privileges and immunities hereby granted, shall be void to all intents and purposes.

Approved February 18, 1848.

LAWS OF KENTUCKY.

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CHAPTER 256.

AN ACT to extend the jurisdiction of the Police Judge of the town of Hopkinsville.

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Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the powers and jurisdiction of the Police Judge of Hopkinsville shall be the same, within said town and county of Christian, as the powers and jurisdiction conferred on the Police Judge of Shelbyville, for said town and the county of Shelby; by the provisions of an act, entitled, "an act to incorporate the town of Shelbyville, and for other purposes," approved 21st February, 1846: *Provided,* that no process in any cause at common law or chancery, which may be issued from the office of, or by authority of, said Judge, and executed on any defendant or defendants residing beyond the limits of Hopkinsville, shall authorize said cause to be tried by said Police Judge, unless the said defendant or defendants consent thereto, in writing, over his or their own signature, endorsed on said process: *Provided, further,* that nothing herein contained shall be so construed as to increase or extend the powers and jurisdiction of said Police Judge, in criminal and penal causes, beyond the limits of the town of Hopkinsville.

Powers and jurisdiction of Police Judge of Hopkinsville.

Provided.

Approved February 18, 1848.

CHAPTER 257.

AN ACT for the benefit of Conrad Havens, and for other purposes.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That fifty dollars, for one year, ending the first day of January, 1848, be and the same is hereby allowed to Conrad Havens, for supporting Lucy Bradford, who was found to be a lunatic in the Campbell Circuit Court; and the Second Auditor is directed to issue his warrant on the Treasury in favor of said Havens for said sum.

Allowance to Conrad Havens.

SEC. 2. *Be it further enacted,* That the provisions of an act for the benefit of Burriss A. Looman and W. G. Andrews Looman, approved March 1st, 1847, shall extend to the first of October, 1846, for the benefit of said B. A. and W. G. A. Looman; and it shall be the duty of the Second Auditor to draw a warrant upon the Treasury in favor of the committee of said Burriss A. and W. G. A. Looman, for eighty dollars, in full for the year ending October, 1847.

Burriss A. Looman.

Approved February 18, 1848.

1848.

CHAPTER 258.

AN ACT providing for a change of venue in the prosecution against William B. Whitaker.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That a change of venue is granted to William B. Whitaker, who stands indicted in the Logan Circuit Court, for murder, to the county of Butler, in pursuance of an act, entitled, "an act providing for a change of venue in criminal cases," approved February 23, 1846.

Approved February 18, 1848.

CHAPTER 259.

AN ACT to amend the charter of the town of Hardinsburg.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall and may be lawful for the Trustees of the town of Hardinsburg to apply any money raised by them, by taxation, to the improvement, grading or paving, any street or side walk in said town; and all laws coming within the purview of this act are hereby repealed.

Approved February 18, 1848.

CHAPTER 261.

AN ACT for the benefit of Theodore L. Burnett.

May settle with
his guardian.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That Theodore L. Burnett, devisee of John C. Burnett, deceased, and only heir of Ann Maria Burnett, deceased, be and he is hereby considered and declared competent, in law, to settle with William K. Cotton, his present guardian, and to receive his estate now in the hands of said guardian, and to receipt to said guardian for the same; and his said guardian is hereby authorized and required to make settlement of said estate with said Theodore L. Burnett, as though he were of full age; and the settlement shall be made and governed by the laws now in force regulating such settlements.

Declared com-
petent to sell
houses, &c.

SEC. 2. That the said Theodore L. Burnett be and he is hereby considered and declared competent, in law, to sell, dispose of, and convey, a house and lot in Taylorsville; which sale and conveyance, when made, shall be good and valid to all intents and purposes.

Approved February 18, 1848.

CHAPTER 262.

1848.

AN ACT to enlarge the powers of the Trustees of the town of Louisa.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That, if the County Court of Lawrence county should be of opinion that another ferry at the town of Louisa would be of public benefit, they are hereby authorized, upon the application of a majority of the Trustees of the town aforesaid, to grant them the privilege of keeping a ferry across the Big Sandy river, from the main street, to any landing the court may designate, under the same rules and regulations of individual ferries; and should said ferry be established, the nett proceeds arising therefrom shall be applied, by the Trustees aforesaid, in making a permanent wharf at the river, on main street, in said town, and grading the bank; and said Trustees shall have no right to charge wharfage for any goods landed or shipped at said wharf.

May grant ferry privileges, &c.

SEC. 2. *Be it further enacted*, That the Trustees of said town may, if to them it seems proper, in laying the tax in any year, reduce the same to twelve and a half cents on the one hundred dollars worth of property subject to taxation in said town, for the benefit of the same, under the existing law to which this is an amendment.

May levy tax.

Approved February 18, 1848.

CHAPTER 264.

AN ACT to incorporate the Lexington Female High School.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That Benjamin Gratz, H. C. Payne, W. King, J. Higgins, L. Warfield, S. Chipley, H. H. Timberlake, N. H. Shaw, and D. M. Craig, Trustees, and their successors in office, together with the Principal of said school, *ex officio*, shall be and they are hereby constituted a body politic and corporate, by the name and style of the Principal and Trustees of the Lexington Female High School.

Corporators names.

Style, &c.

SEC. 2. That the said Principal and Trustees, and their successors, shall have perpetual existence, by the name and style aforesaid; shall have the power to use a corporate seal, and change or alter the same at pleasure; shall have power to receive and hold, for the benefit of said school, any lands, tenements, hereditaments, money, goods, chattles or choses in action, by gifts, donations, devise, contract or purchase; to make any contract or agreement; to sue and be sued, to plead and be impleaded, in any court of law or equity in this State; and they may make such by-laws, rules, and regulations, for the government of said school, as may, from time to time, seem to them necessary, and to

Their power, duties, &c.

1849.

Ky. Conference
South, to ap-
point principal,
and may re-
move, &c.

Vacancies—
how filled.

Principal and
Trustees may
appoint Teach-
ers.

Duty of Prin-
cipal and Trus-
tees.

May hear com-
plaints, &c.

Conference to
appoint Board
Visitors.

do and perform all other acts which similar corporations may of right do: *Provided*, they be not contrary to the constitution and laws of this State.

SEC. 3. The Kentucky Annual Conference of the Methodist Episcopal Church, South, shall have the right to appoint the Principal of said school, as well as the right to remove him at pleasure; and shall have the right to fill any vacancy in said Board of Trustees, as the same may occur, from time to time; and in case of a vacancy, by the death or resignation of said Principal, in the interim of the session of said Conference, the said Trustees, or a majority of them in office, shall have the right to appoint a Principal, *pro tem.*, until the next succeeding meeting of said Conference.

SEC. 4. That the said Principal and Trustees of said school, or a majority of them, shall have the right to appoint teachers thereof, and to remove any or all of them at pleasure, and to fill all vacancies among the teachers in said school.

SEC. 5. That it shall be the duty of the Principal and Trustees of said school to report, annually, to the Kentucky Annual Conference aforesaid, the condition and prospects of said school, and the vacancies, if any, in the Board of Trustees, and such other matters as they may deem of interest to said School. They shall have the power to prescribe the course of instruction in said school, and to confer such literary honors as they may deem appropriate and deserving, upon those scholars who have been recommended to them by the Principal and Teachers aforesaid, as having completed the prescribed course of study. The said Trustees shall have the right to hear and determine all complaints arising between teachers and scholars in said school, and to suspend or expel any student thereof, when they deem it necessary.

SEC. 6. That the Kentucky Annual Conference aforesaid, shall have the right of appointing a Board of Visitors, whose duty it shall be to attend the annual examination in said school, and to report to said Conference.

Approved February 18, 1848.

CHAPTER 265.

AN ACT for the benefit of William Rowlett, of Owen county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Second Auditor of Public Accounts be, and he is hereby authorized and required to issue his warrant on the Treasurer, in favor of William Rowlett, of Owen county, for four hundred dollars, to be paid to him as compensation for injuries sustained by slackwater in the Kentucky river.

Approved February 18, 1848.

CHAPTER 266.

1848.

AN ACT for the benefit of James T. Locknane.

WHEREAS, it is represented to the General Assembly of the Commonwealth of Kentucky, that James T. Locknane, of Clarke county, had a debt of two thousand dollars due him, and the infant heirs of Miles B. Locknane, deceased, in the year 1846, in the State of South Carolina; and his debtor, having made a mortgage of all his property, the said Locknane was compelled to purchase four negro boys, at an exorbitant price, to secure the debt of the said infant heirs and himself. Therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be lawful for said Locknane to import said negro boys, of the following ages and names, to-wit: A boy named Levy, aged twenty years, and Sam, aged 16 years, and Sandy, aged 15 years, and Israel, aged 9 years, into this State, without incurring the penalties of the law now in force: *Provided,* that said Locknane shall, within sixty days after said slaves shall be imported, go before the Clerk of the Clarke County Court, and make oath that said slaves were imported into this Commonwealth in good faith, and for his own use, and that he will not voluntarily sell any of said slaves, to remain in this Commonwealth, within three years after they are imported; a certificate of which oath shall be recorded in the Clarke County Clerk's office.

Approved February 18, 1848.

CHAPTER 267.

AN ACT laying off the county of Trimble into four Constable's Districts, and for other purposes.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That, from and after the passage of this act, the county of Trimble shall be laid off into four Constable's Districts, viz: Beginning at the mouth of Barebone creek, on the Ohio river; thence with said creek to the house of James Wingham; thence with the Barbone road to Main Cross street, in Bedford; thence with said street to the Carrollton road; thence with said road to the Little Kentucky river, near the house of Adam Pierce; thence with said river to the mouth of Dougherty's creek; thence with the main fork of said creek to where the Henry county line crosses the same: Then, beginning at Pleasant Grove Meeting House, on the Louisville road; thence with the said road to Main Cross street, in Bedford; thence with said street to the West corner of the Public Square; thence with the street passing to and intersecting the road leading to Madison, Ia.; thence with the said road to the Ohio river, at King's landing: That the Eastern District shall be No.

Boundary of
Constable's Dis-
trict.

1848.

1; the Southeastern No. 2; the Western No. 3; the North-eastern No. 4.

Duty of Con-
stable.

SEC. 2. Any Constable executing any warrant in said county, in any civil suit, shall make return of the same to the magistrate living nearest the defendant in the district where said defendant may reside; and the said magistrate shall proceed to trial in the same way that he now holds his courts, except, for good cause shown to him, by either of the litigants, and in that case it shall be returned before the next nearest Justice, and so on, until a trial shall be had.

Allowed to
additional Con-
stable.

SEC. 3. There shall be allowed to the county of Trimble, an additional Constable, who shall reside in District No. 3.

SEC. 4. All acts heretofore passed, laying off said county into Districts, are hereby repealed.

Approved February 18, 1848.

CHAPTER 268.

AN ACT for the benefit of the Sheriffs of Hopkins and Crittenden counties, and the late Sheriff of Hickman county.

Sheriff Hop-
kins.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the Sheriff of Hopkins county be allowed until the next Court of Assessment of the 76th Regiment to make and return an additional delinquent list of muster fines, assessed in 1846, and collectable in 1847.

Hopkins.

SEC. 2. That the Sheriff of Hopkins county shall have until the first day of January next, to settle with the Paymaster of the 76th Regiment, for muster fines collectable by him in 1846 and 1847.

Crittenden.

SEC. 3. That the Sheriff of Crittenden county be allowed the further time, until the next annual Court of Assessment for the 138th Regiment, to make out and return a delinquent list of muster fines assessed in 1846; and that he be allowed until the first day of January next, to settle with the Paymaster of the 138th Regiment and pay over the same.

Hickman.

SEC. 4. That the late Sheriff of Hickman county be allowed until the first day of July next, to make out and return his delinquent list, upon the Auditor's additional list, sent to the said Sheriff for the year 1847.

Approved February 18, 1848.

CHAPTER 269.

AN ACT to continue in force the 4th and 8th sections of an act, entitled, "an act to amend the charter of the Louisville and Elizabethtown Turnpike Company, and Covington and Lexington Turnpike Company."

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the 4th and 8th sections of an

act, entitled, "an act to amend the charter of the Louisville and Elizabethtown Turnpike Company, and Covington and Lexington Turnpike Company," be and they are hereby continued in force until the incomplete parts of said roads shall have been completed, and for the payment of such debts as said companies may have created under the provisions of said act.

1848.

4th and 8th sections continued in force.

SEC. 2. That it shall be the duty of the President of said companies to make out a complete statement of all moneys received and disbursed, under the provisions of this, and the act to which it is an amendment, together with the amount said companies are now in debt, for labor procured under the provisions of said acts, and what extent of road has been completed, and in progress of completion, and what distance remains to be completed, and the probable cost of its completion.

Duties of President.

SEC. 3. *Be it further enacted*, That the office of Treasurer of the Louisville and Elizabethtown Turnpike Road Company be and the same is hereby abolished; and, hereafter, all the duties, powers and responsibilities now enjoined by law on the Treasurer of said Board, shall be vested in, and required to be performed by, the President elect, for the time being, of said Board.

Office of Treasurer of Louisville and Elizabethtown road abolished, and vested in President.

SEC. 4. That, hereafter, the elections for President and Managers, and other officers of said Company, may be held at some suitable house in the town of West Point.

Elections where held.

SEC. 5. That all laws allowing the County Court of Hardin county to subscribe any further stock in any Turnpike Road Company, unless the same shall be either petitioned for by a majority of the voters in the county, or submitted to them, and sustained by a majority thereof, shall be repealed: *Provided*, this act shall not interfere with any stock already subscribed by said Court.

Laws allowing C'ty C't of Hardin to subscribe stock, repealed.

Approved February 18, 1848.

CHAPTER 270.

AN ACT to incorporate the Lancaster Cemetery Company.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That Abner Baker, A. R. McKee, Horace Smith, Lewis Landram, G. J. Salter, R. D. Lusk and W. H. Pettus, be and they are hereby created a body politic and corporate, under the name and style of the Lancaster Cemetery Company; and by that name shall be able and capable, in law, to have and use a common seal, to sue and be sued, plead and be impleaded, and do all other things incident to a corporation. The said company shall have power to purchase any quantity of land in Garrard county, not exceeding twelve acres, and receive a conveyance therefor, with such covenants

Corporators names.

Name & style of corporation.

May purchase and hold not exceeding 12 acres of land solely for a Cemetery.

1848.

The grounds,
&c. shall be sub-
ject to revenue,
but not to execu-
tion after they
are paid for.

May receive
bequests, &c.

Corporators
to appoint a
Board of Trus-
tees, &c.

Trustees to be
elected once in
five years.

Trustees may
call meeting, &
hold election of
their successors.

of warranty as they may deem proper. The land and appurtenances, when conveyed to said corporation, shall be held solely and exclusively for a cemetery, and ornamental grounds connected therewith, and shall never be alienated, sold, or used by said corporation, for any other purposes than burial lots, as hereinafter prescribed. But they may permit their Superintendent, or other officers, to use that portion of their grounds and buildings not sold for burial lots, for horticultural purposes: *Provided*, the same is used in a manner not inconsistent with the reverence and respect due to the cemetery of the dead. The said grounds, and fixtures, shrubbery, and every thing growing therein, shall always be subject to State revenue, but shall not, after the ground has been fully paid for, be subject to be levied on or sold, by execution or decree, for any other debt or cause whatever. No road or passway shall be opened through said grounds, unless by consent of the Company. The said Company may receive and take, by devise or bequest, any legacies that may be devised or bequeathed to them, to be appropriated solely and exclusively to the ornament and improvement of said cemetery and grounds, and may vest in State stocks, or loan out, any spare funds that, from time to time, they may have, but they shall never exercise or attempt to exercise any banking powers.

SEC. 2. A majority of the above-named persons, or of the survivors of them, shall have full power and authority to appoint a Board of seven Trustees, who shall elect one of their own number as chairman; said Trustees shall remain in office until their successors are qualified, and have power to fill any vacancies that may occur in their body, by death, resignation or removal. The term for which the first Board of Trustees shall serve, shall be designated by those who appoint them, as above. After the first Board of Trustees have been appointed, as above, and have qualified, they, and their successors in office, shall exercise all the corporate powers of the corporation. The seven Trustees shall afterwards be elected by a majority of the shareholders, who vote once in every five years. Due notice of the time and place of voting being first given, by publication of four successive weeks in any newspaper printed in Lancaster, or by written notice; and the election shall be conducted by Judges appointed by the Board then in office. The Trustees, thus elected, shall remain in office five years, and until their successors are elected and qualified. If any thing should prevent an election within the prescribed time, a majority of the Trustees in office shall have the power to call a meeting for, and cause an election of, their successors, as soon afterwards as convenient. The Trustees shall, at all times, have the power to fill any vacancy that may oc-

cur in the Board, by death, resignation or removal. Death, or removal from Garrard county or resignation, shall vacate the seat of a Trustee. Four Trustees shall constitute a quorum for the transaction of business. Each person owning burial lots, to the value of twenty-five dollars, shall be regarded as holding a share, and each share shall entitle the holder to one vote in the election of Trustees; but no person, or body corporate, shall be entitled to cast more than five votes. When a share is vested in several persons, a majority of those present, at the time of voting, in whom the legal title to such share is, shall be entitled to cast such vote. The Trustees shall keep a regular record of their proceedings, and of all sales, transfers and disbursements; and shall always preserve an accurate map and survey of the grounds and lots, and have the same recorded in the Garrard County Court Clerk's office. Each Trustee shall, before he enters on the duties of his office, make oath, before some Justice of the Peace, that he will faithfully and impartially discharge the duties of a Trustee, according to the best of his abilities, and will not be influenced in his conduct, as Trustee, by sectarian or political partialities.

Sec. 3. As soon as the ground is purchased and the Trustees have qualified, they shall have power to lay out and ornament the same; and, from time to time, alter, repair and add such buildings and fixtures as may be necessary, and for this purpose, shall apply the funds belonging to the corporation. They shall have power to lay off, sell and convey, burial lots, to make by-laws and regulations for the management of the cemetery grounds and graves, and regulate the mode of ornamenting the same, and the manner in which bodies shall be interred, and may make all such by-laws and regulations as may be necessary for the purposes of the corporation; they shall have full power to enter upon, and remove any ornaments, fixtures, or shrubbery that may be placed on or around the graves against the by-laws; they shall have power to appoint such Superintendent, or other officers as necessary, and take bond such as may be required. The proceeds of the sale of lots, and all money that may come to the corporation from any other source, shall be applied, first to reimburse those who have made advancements for the original outlay and purchase of the establishment, and shall, afterwards, in all time to come, be applied to ornament and improve the ground and defray incidental expenses.

Sec. 4. When a burial lot is purchased, the Trustees shall give a certificate thereof, under the seal of the corporation, which shall vest the purchaser with title. This title may be transferred according to such rules and regulations as may be prescribed by the by-laws, but in no

1848.

Quorum.

Ratio of votes.

Trustees to keep record, &c.

To take oath.

May lay out and ornament grounds.

May lay off & sell burial lots. May make by-laws, &c.

May remove anything from around graves, contrary to the by-laws.

May appoint Superintendent and Officers.

Proceeds of sales of lots, how applied.

Shall give a certificate of purchase of burial lot, &c.

1848.

Shall not be
used except as
burial lots.

Penalty for vi-
olating graves,
destroying shrub-
bery, &c.

other manner. If not transferred by the grantee, it shall pass by devise, as other real estate. Such lots shall never be used for any other purpose than burial lots, and if applied to any other use, the title shall revert to the corporation.

SEC. 5. If any person shall, forcibly and without lawful authority, violate any of the graves of the dead, or deface any of the tombstones, monuments or enclosures, or injure any of the grounds, shrubbery, fixtures or buildings, or in any manner damage the grounds, such person or persons, so offending, besides being liable to an indictment for a misdemeanor, and punishable according to the discretion of a jury, shall be liable to the corporation in an action of trespass; and the damages, when recovered, shall be applied by the corporation to restore, as far as possible, any injury that has been done.

Approved February 18, 1848.

CHAPTER 273.

AN ACT to increase the powers of the Trustees of the town of Hopkinsville.

Trustees au-
thorized to sub-
scribe stock in
Railroad.

Subscriptions,
how raised.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the Board of Trustees of the town of Hopkinsville may, on behalf of said town, subscribe for any amount of stock in the Hopkinsville and Cumberland River Railroad Company, not exceeding forty five thousand dollars; and it shall be lawful for said Board of Trustees to raise the amount of its subscription, as it shall be called for by the President and Directors of said Railroad Company, by issuing bonds or scrip of the town of Hopkinsville, bearing interest at the rate of six per cent. per annum, payable semi-annually, and redeemable at any time after twenty years.

Trustees may
issue bonds.

SEC. 2. Said Board of Trustees shall have power and authority to issue and sell, five thousand dollars of bonds or scrip of the town of Hopkinsville, bearing interest at the rate of six per cent. per annum, payable semi-annually, and redeemable at any time after twenty years, for the purpose of improving the streets and alleys, public grounds, and making other public improvements, necessary and proper in and about said town.

May levy and
collect tax to
pay bonds.

SEC. 3. In order to provide for the payment of the principal and interest of said bonds or scrip, the Board of Trustees of the town of Hopkinsville shall have power and authority to assess, levy and collect, annually, a poll tax and tax on all real and personal estate, stores, &c., now authorized by law to be taxed, in double the amount authorized by the existing laws, to be collected in the same manner as at present provided for: *Provided*, That the Trustees of the

town of Hopkinsville shall not exercise any of the powers or privileges granted by this act, until after another election for Trustees of said town shall have been held.

1848.

Approved February 18, 1848.

CHAPTER 274.

AN ACT to incorporate the Missionary Society of the Methodist Episcopal Church, South.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That Joshua Soule, James O. Andrew, William Capers, Robert Paine, William Holman, J. W. Brite, Claibourn Pirtle, Edward Stevenson, H. T. Curd, William W. Whiteman, Jacob Swigert, Samuel K. Richardson, James S. Lithgow, William Kendrick, Edward D. Hobbs, C. W. Bliss, G. W. Hite, T. P. Shaffner, J. N. Temple, John Tevis, William Burton, John Hall and E. W. Schon, officers and managers of the Missionary Society of the Methodist Episcopal Church, South, and their successors in office, appointed agreeable to the constitution of said Society, be and they are hereby created a body politic and corporate, by the name and style of the "Missionary Society of the Methodist Episcopal Church, South;" and by that name and style are capable, in law and equity, to procure, receive, hold, enjoy and retain, real and personal estate, for Missionary and Educational purposes and objects; and the same to sell, grant and dispose of; and to sue and be sued; and to have a common seal for them and their successors in office, according to the provisions of the constitution of said Society.

Corporators names.

Name & style.

SEC. 2. That the constitution of said Society, heretofore adopted, shall not be changed without the consent of the General Conference of said church; and the Board of Managers of said corporation, and the meetings of said Managers, shall be held in Louisville, Kentucky.

Constitution, when and how changed.

SEC. 3. That the general Assembly reserves the right and power to amend, alter or repeal this charter at any time: *Provided, however*, no previous contract shall be annulled.

Legislature may amend, &c.

Approved February 18, 1848.

CHAPTER 275.

AN ACT to extend the limits of the town of Mortonsville, in Woodford county, and to re-establish the Board of Trustees in said town.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the limits of the town of Mortonsville be so extended, as running in a straight line from its present termination at Mrs. Atkins', in a westward direction, as far as the outer line of W. M. Morris' in that di-

Boundary designated.

1848.

rection, embracing his property; thence south so as to embrace the property of Joseph N. Lane; thence east with his line, until it shall strike the Versailles road; thence running with the creek until it shall meet the line of Mathew Nichols; thence running with his line so as to include his property; thence with the old lines, as laid down in the act establishing said town, approved February 28, 1835, to the beginning.

Trustees.

SEC. 2. That Josiah Felix, D. D. Carpenter, James Carter, William G. Smithey and R. S. Sullivan, are hereby constituted Trustees for said town, who shall continue in office for one year from and after the first day of June next, and until their successors are duly elected and qualified.

Approved February 18, 1848.

CHAPTER 276.

AN ACT establishing Election Precincts in Taylor county, and for other purposes.

Precinct to
Taylor.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That two election precincts be and are hereby established in the county of Taylor; one at the house now kept by A. Shipp, as a tavern, in the town of Saloma, and the other at the house of John Man, Sr., on Robertson's creek,

Kenton.

SEC. 2. That an election precinct be and is hereby established in the county of Kenton; and that the place of voting therein be in the city of Covington, at or on the premises connected to, or with the property known as Levi Ashbrook's tavern stand.

Muhlenburg.

SEC. 3. That an additional precinct be and is hereby established in the county of Muhlenburg; and the place of voting therein shall be at the house of A. H. Lovelace, in the town of South Carrollton; and the County Court of said county shall appoint the necessary officers to conduct all elections in said precinct.

Jessamine.

SEC. 4. That an additional precinct is hereby established in Jessamine county, bounded as followeth, viz: Beginning at Reynolds' ferry, on the Kentucky river; thence with the Paint Lick Road to Hickman creek; thence down said creek to its mouth; thence up the Kentucky river to the beginning; and elections held therein shall be held at the house of David Foster, on the Sugar Creek Road; and the County Court of said county shall appoint the necessary officers to conduct all elections in said precinct.

Approved February 18, 1848.

CHAPTER 277.

1848.

AN ACT to enlarge the powers of the Trustees of the town of Princeton, and for other purposes.

WHEREAS, it is represented to the present General Assembly, that doubts exist whether or not the owners of lots on Main Cross street, in the town of Princeton, commencing at the corner of F. W. Urey's lot, and extending to the lots now occupied by William. Cash, in the direction to Eddyville, have encroached on said street by the improvement of their respective lots, on account of the uncertainty of the boundary of said lots, the corners thereof being unknown at the time of commencing the improvements. Therefore,

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That said cross street, set forth in the above preamble, be and the same is established at the width and where it now is; and unless the Trustees of the town of Princeton shall establish, satisfactorily, on or before the first day of July next, that the owners of lots binding on said street have encroached thereon, by an accurate survey of said town, and the lots adjoining said street, they shall thereafter be barred from taking any steps against the owners of said lots and their improvements.

Street established, and the Trustees how to proceed.

SEC. 2. That if it shall be ascertained, as stated in the first section of this act, that any of the owners of lots on said street shall have encroached upon said street, then it shall be lawful for the owner or owners of said lots to choose one referee, and the Trustees one, who shall assess the value of so much of said street, so occupied by the owner of said lot, at the time said improvement was made; and if the referees, so chosen as aforesaid, cannot agree, they shall choose a third, to decide the value of said portion of said street appropriated by the owner or owners in the improvement of their respective lots; which, when assessed and paid, shall be a fund in the hands of the Trustees for the improvement of the town.

When streets are encroached on, mode of proceeding.

Amount paid, how appropriated.

SEC. 3. That so much of an act, entitled, "an act giving additional powers to the Trustees of the town of Princeton, in Caldwell county, and for other purposes," approved 26th February, 1847, and particularly the fourth section of said act, shall be made to extend to the East side of Tradewater street, so as to compel the Trustees of said town to cause side-walks or pavements to be made on the East side of said street, as provided for in the before-recited act; and said Trustees shall cause to be erected, a good and sufficient bridge, or culvert, across Eagle creek, which crosses said street, the width of said pavement; the bridge or culvert shall be erected at the expense of the town.

Provisions of former act to extend to Tradewater street.

SEC. 4. That said Trustees shall not cause side-walks or pavements to be made on the East side of Tradewater street, except that part of the street which lies between

Trustees may cause the side-walks to be made, &c.

1848.

College and Shepardson streets; and this act is made imperative upon them to that extent.

Approved February 18, 1848.

CHAPTER 278.

AN ACT for the benefit of the heirs of Hubbard B. Smith, deceased.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be lawful for Nancy Smith, the mother and guardian of the infant children and heirs of Hubbard B. Smith, deceased, to file a petition in the Grant Circuit Court, for the sale of the land of said children and heirs, in said county of Grant; in which said petition she shall state the fact, that, in her opinion, it is for the interest of said children and heirs that the said land shall be sold; and further, she may state that, in her opinion, it is for the interest of said children and heirs, that the proceeds of sale should be re-invested in Kentucky, or elsewhere, for the use and benefit of said children and heirs; and all persons having interest in said land, other than the wards of said Nancy, shall be made defendants to said petition. The statements of the petition shall be verified by the affidavit of said Nancy; and, upon the filing of the petition, the Court shall appoint two discreet house-keepers, Commissioners, whose duty it shall be to ascertain and report the whole amount and value of the estate of said children, and any other facts of which the Court may desire to be informed; and, upon the coming in of such report, and when all the parties, in interest, are legally before the Court, if the Court shall be of opinion that it is for the interest of said wards that said land should be sold, a decree for the sale shall be made, upon such terms and credits as shall seem proper to the Court; but before any sale shall be made, the said Nancy Smith shall execute bond, with security, as required by the act, entitled, "an act vesting jurisdiction in the Circuit Courts to authorize the sale of real estate of infants, in certain cases," approved February 3d, 1813; and if the Court shall deem it for the interest of said wards that the proceeds of sale should be invested in Kentucky, or elsewhere, for the use and benefit of said wards, the Court shall make such orders, and require such other bond or bonds as may be proper, to secure a safe and prudent investment of the proceeds.

Nancy Smith
may file bill, &c.

Contents, &c.

Petition to be
sworn to.

Duty of Court.

Approved February 18, 1848.

CHAPTER 279.

AN ACT for the benefit of the Walnut Hill Church, in Fayette county.

1848.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Trustees of the Walnut Hill Church, of the Presbyterian denomination, in Fayette county, shall be and they are hereby authorized to purchase, hold and possess, any quantity of land, not exceeding in the whole, twenty acres, for the purposes of said Church, and erecting parsonage buildings and an Academy thereon, any thing in the act to amend an act, entitled, "an act for the benefit of Religious Societies in this Commonwealth," approved January 7th, 1824, to the contrary notwithstanding.

Approved February 18, 1848.

CHAPTER 280.

AN ACT granting certain powers to the Trustees of the town of Russellville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Trustees of the town of Russellville are hereby invested with full and complete power to convey, by deed, for a valuable consideration, to Constant A. Wilson, certain fractions of streets in Spencer Curd's addition to the town of Russellville, viz: a fraction of the street lying between lots No. 5, 6, 12 and 13; a fraction lying between lots No. 6, 7, 14, 15 and 18; a fraction lying between lots No. 7, 8, 15, 16, 18 and 19; a fraction lying between lots No. 6, 13, 14, 7 and 15; and a fraction lying between lots No. 14, 15, 16, 18 and 19; also, two small fractions of streets in Samuel Gray's addition, lying between fractional lots No. 33, 34 and 35.

Approved February 18, 1848.

CHAPTER 282.

AN ACT to amend an act, entitled, an act concerning the town of Albany, in Clinton county, approved 14th February, 1846.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That there shall be appointed, for the town of Albany, a Police Judge, who shall reside in said town, and who shall have jurisdiction of all causes of action, suits, and prosecutions for breaches of the by-laws and ordinances of the Trustees of said town; and who shall have power to give judgments, and issue executions, or other process, arising under the ordinances and by-laws of said Trustees: and said Police Judge of the town of Albany shall have the same jurisdiction, in all respects, as the Police Judge of any of the towns in this Commonwealth.

Police Judge
to be appointed,
his powers, &c.

1848.

SEC. 2. *Be it further enacted*, That the Police Judge of the town of Albany shall have the same jurisdiction of all cases, civil and criminal, that is now conferred by law on Justices of the Peace in this Commonwealth.

Approved February 18, 1848.

CHAPTER 283.

AN ACT for the benefit of Martin Mannon, of McCracken county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the venue in the prosecution now pending in the McCracken Circuit Court, against Martin Mannon, on an indictment for larceny, be and the same is hereby changed to the Ballard Circuit Court, under the provisions of an act, approved 23d February, 1846, providing for changes of venue in criminal cases.

Approved February 18, 1848.

CHAPTER 284.

AN ACT to amend the laws concerning the town of Greenville, in Muhlenburg county.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That so much of an act for the benefit of certain towns in this Commonwealth, approved January 6, 1812, as relates to the town of Greenville, in Muhlenburg county, be and the same is hereby repealed.

General town laws made applicable.

SEC. 2. That the general laws now in force, governing towns, shall be made to apply to and govern the town of Greenville; and the Trustees elected under said laws, for said town, shall have full power and authority to pass and enforce, before any court of competent jurisdiction, all by-laws and ordinances necessary for the government of said town, and its improvement, as they may, from time to time deem necessary, not inconsistent with the constitution and laws of this State.

Number of Trustees.

SEC. 3. That five Trustees, and no more, shall hereafter be chosen at the annual election for Trustees of said town.

Approved February 18, 1848.

CHAPTER 285.

AN ACT for the benefit of W. W. Edwards, of Fulton county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall and may be lawful for W. W. Edwards, of Fulton county, to bring into this State, from the

State of Tennessee, a negro man named Frank, without incurring the penalties of the act of 1833, prohibiting the importation of slaves into this State: *Provided*, he shall, within thirty days after such importation, make oath before some Justice of the Peace for Fulton county, that he has brought said slave into this State for his own use and not for sale; a copy of which shall be filed with the Clerk of the Fulton County Court for record, within twenty days: *Provided further*, that said Edwards shall not be authorized to sell said slave in this State within three years after the time of importing the same.

1848.

Approved February 18, 1848.

CHAPTER 286.

AN ACT to incorporate the Lebanon, New Market and Springfield Turnpike Road Company.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That a company shall be formed, under the name and style of the Lebanon, New Market and Springfield Turnpike Road Company, for the purpose of making an artificial road from Springfield, by the way of Lebanon, to intersect the Muldrow's Hill Turnpike Road at New Market.

Name and style of company.

SEC. 2. The capital stock of said Company shall be fifty thousand dollars, to be divided into shares of fifty dollars each; and if it shall be ascertained that the amount of capital stock is not sufficient to accomplish the object of this act, then the President and Managers may enlarge it to such amount as they may deem necessary, and open subscription therefor, in such manner as they may think proper.

Capital stock.

May enlarge capital stock.

SEC. 3. Books, for the subscription of stock in said Company, shall be opened on the second Monday in March next, or as soon thereafter as convenient, at the town of Lebanon, in Marion county, under the direction of Samuel Spalding, Richard M. Spalding, John P. Reed, William H. Hawkins, Leonard A. Spalding, Daniel Everhart, Green Forrest, Tho. Jackson, Jno. B. Wathen and Jno. M. Graham; at Springfield, in Washington county, Wm. S. Davidson, C. T. Cunningham, R. J. Browne, R. C. Palmer, Jesse Fox, A. G. Bevel and John Polin, or some two or more of them at each place, who are appointed commissioners. The said commissioners, for each place, shall procure a book or books, and the subscribers to the stock of said Company shall enter into the following obligation, viz: "We, whose names are hereto subscribed, promise to pay to the President, Directors and Company of the Lebanon, New Market and Springfield Turnpike Road Company, the sum of fifty dollars for every share of stock in said Company, and agreeably to an act of the General Assembly of the Com-

Books to be opened, & when.

Com'rs to receive subscriptions appointed.

Obligation of subscribers.

1848.

Com's to give
notice of time of
opening books.

monwealth of Kentucky incorporating said Company: witness our hands this — day of —, 1848." The said commissioners, or a majority of them, shall give notice, in one or more of the newspapers printed in Bardstown, of the time and places of opening books for the subscription of stock in said Company, and that they will continue open until the amount of capital stock shall be subscribed.

Com's to call
meeting for elec-
tion of officers.

SEC. 4. So soon as twenty thousand dollars shall be subscribed, the said commissioners, or such of them as may act, shall, at such time and place as they may appoint, call a meeting of the stockholders, and hold an election for President and six Directors, who shall hold their office for one year, and until others shall be elected and duly qualified.

President and
Directors to take
an oath.

The said President and Directors shall, before they enter upon the duties of said office, take an oath before some Justice of the Peace, that they will faithfully perform the duties of President and Directors, (as the case may be,) without favor or affection, according to the best of their judgment. Upon the qualification of the President and Directors, they shall appoint a Treasurer, and such other officers as they may deem necessary, who shall hold their office for one year, and until others shall be appointed. The Treasurer, before he enters on the duties of his office, shall give bond, with two or more good securities, in such penalty as the President and Directors may direct, payable to the President and Directors of the Company, conditioned that he will faithfully discharge the duties of Treasurer; and that he will, when called on, pay the amount of moneys in his hands to the order of the President and Directors, and that he will perform the duties required of him by the law of the Company.

Treasurer to be
appointed.

To give bond.

When organ-
ized, company to
be a body corpo-
rate.

SEC. 5. Upon the election and qualification of the President and Directors, as aforesaid, they shall be a body politic and corporate, in deed and in law, by the name and style of the Lebanon, New Market and Springfield Turnpike Road Company; and by said name shall have perpetual succession, and all the privileges and franchises incident to a corporation; and shall be capable of taking and holding their capital stock, and the increase and profits thereof; and of purchasing, taking and holding, to them and their successors and assigns, and of selling, transferring and conveying, in fee simple, all such lands, tenements, hereditaments, and real and personal estate, as much as shall be necessary to them in the prosecution of their work; to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, in courts of record, or in any other place whatever; also, to have a common seal, and to do all and every matter and thing which a body politic or corporate may lawfully do.

May hold real
estate.

May sue and
be sued, &c.

SEC. 6. The number of votes to which each stockholder may be entitled, shall be according to the number of shares

he holds; and, after the first election, no share or shares shall confer a right of voting, which shall not have been holden three months previous to the election. The stockholders may vote in person, or by written proxy; and no person, who is not a resident of Washington or Marion counties, and a stockholder, shall be eligible as President, Director or Treasurer; and the President and Directors shall cease to be such in his or their ceasing to be a stockholder. The annual election for a President and Directors shall be holden annually, on the first Monday in April at such place as may be directed; at which time the President shall lay before the stockholders an expose of the situation of the Company, also, the record of the proceedings for the preceding year. The Company shall have power to fix the day and place of their annual meetings and general elections, and pass all by-laws necessary for the regulation of their proceedings.

SEC. 7. The President and Directors first chosen, shall deliver a certificate, signed by the President, and countersigned by the Treasurer, and sealed with the seal of the corporation, to each stockholder, for the stock subscribed by him and held; which certificate or certificates shall be transferable on the books of the corporation, in person or by attorney; but no share shall be transferred until all the calls and arrearages are paid thereon. The original certificate of the share or shares transferred, shall be surrendered, and a new certificate shall issue to the purchaser, who shall then be a member of the corporation, and entitled to all the privileges and benefits that the original owner was entitled to.

SEC. 8. The President may call meetings of the Directors at such times and places as he shall think proper, and a majority of all the Directors shall constitute a quorum to transact business. They shall keep a record of their proceedings, to be entered in a book provided for that purpose, and shall be signed by the President, and in the absence of the President, the Directors shall select one *pro tem.*; they may adjourn from time to time as they may think proper. The Board of Directors may, also, allow the President and Treasurer such compensation as may be deemed reasonable.

SEC. 9. The President and Directors shall have power to fill vacancies in their body, occasioned by death, resignation or otherwise; to appoint all such Surveyors, Engineers, Superintendents, Artists, Officers, &c., as they shall deem necessary to carry on the work; to fix their salaries and wages; to remove any of them at pleasure; to provide the time, manner and proportions in which the stockholders shall make payments on their respective shares to carry on the work; to draw orders on the Treasurer for all moneys necessary therefor, and to do all such

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May vote by proxy.

Who eligible as President, &c.

Annual elections.

Annual reports.

Company may fix day of elections; pass by-laws.

Certificates of stock to be issued.

Transfer of stock.

New certificates to be issued on transferred stock.

President may call meetings of Directors.

Directors shall keep record of proceedings.

May elect a President *pro tem.*

Compensation of officers.

Vacancies—how filled.

Directors to appoint Engineers, Agents, and make calls on stock, &c.

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matters and things as by this charter, and the by-laws of the corporation, they are authorized to do.

Notice of the
am't and time of
call given.

SEC. 10. The President shall give notice in one or more of the newspapers printed in Bardstown or Louisville, for at least thirty days, of the amount of the call on each share of stock, and of the time of payment; if any stockholder shall refuse or neglect to pay his proportion of the stock for the space of thirty days after the time appointed for the payment thereof, any stockholder shall, in addition to the instalment called for, pay at the rate of one per cent. per month for any delay of such payment; and if he shall fail to pay the amount of such call, and the penalty aforesaid, for the space of six months after the time of such payment is required, he shall forfeit such share or shares to the corporation, and the amount that shall have been paid on them; and the President, by order of the Board, after having ten days' public notice, may proceed to sell such forfeited shares: *Provided*, they will bring the amount due and unpaid upon said share or shares: *And provided, also*, that no shareholder shall vote at any election, or be entitled to the rights of a member of said corporation, until the whole amount due and payable, as aforesaid, on the share or shares by him held, shall have been paid, agreeable to the requisition of the President and Directors.

Forfeiture of
stock.

Shareholders
cannot vote un-
less calls have
been paid.

Grade of road.
Width of the
road, &c.

SEC. 11. The said road shall be so leveled and graded, that, when completed, its greatest elevation shall not exceed five degrees. The width of the artificial part of said road shall not be more than forty-five, and the portion of it covered with metal, or McAdamized stone, shall not exceed eighteen feet, and be fully nine inches in thickness or depth from side to side of that width.

Directors to fix
on route of road,
&c.

SEC. 12. It shall be the duty of the President and Directors, or a majority of them, to fix the route over which said road shall pass; and, for that purpose, to employ all necessary Surveyors, Agents, Artists, Engineers, Chain Carriers, &c., at the cost of the Company; and they are hereby authorized to enter in and upon the land and enclosures, public roads and highways in, through and over which said intended road may be thought proper to pass, and to examine and survey the ground therefor; to examine for quarries, beds of stone, and other materials necessary for the completion and repairs of said road; having due regard to economy, they shall locate the road on as direct a line as the ground will admit of from Springfield, by the way of Lebanon, to New Market.

May obtain
right of way by
purchase, &c.

SEC. 13. In case the corporation shall not be able to acquire the title to the lands over which the road shall be laid, by purchase or voluntary cession, it shall be lawful for the corporation to appropriate so much of said lands as may be necessary to its own use, for the purposes con-

templated by its charter, on complying with the provisions of the seven following sections.

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SEC. 14. The Directors shall present a petition to the resident Judge in the circuit where the land lies, setting forth the lands or materials wanted for the construction of the road, or the appendages thereto, and the names of the owners thereof, if known, distinguishing with convenient certainty, if it can be done, the parcels claimed in severally by the respective owners, and praying for the appointment of appraisers to assess the damages which the owners of such land will severally sustain by reason of the appropriation thereof by the corporation to its own use.

Damages, how assessed.

SEC. 15. On the presentation of such petition, the said Judge shall appoint a day for the hearing of the parties interested, and shall direct such notice as he shall deem reasonable, to be given of the time and place of hearing. In case it shall appear that any of the owners of said land are unknown, or *feme covert*, an infant, insane, or otherwise incompetent to take care of his, her, or their interests, it shall be the duty of the Judge to appoint some discreet and responsible person to act in the premises, in his, her, or their behalf, to whom the corporation, for such services, shall make reasonable compensation to be awarded by the Judge.

Damages, how proceeding shall be had in cases of.

SEC. 16. At the time appointed for such hearing, the Judge shall appoint three disinterested freeholders, residents of the county in which the land is situate, for the purpose of assessing such damages; and, in the order for their appointment, shall direct as to what lands are to be appropriated by said corporation for the purpose aforesaid.

Proceedings in damages before Judge.

SEC. 17. The said appraisers, after being sworn, before some officer authorized to administer oaths, honestly and impartially to assess such damages, and to take into consideration all the advantages and disadvantages that may accrue to the owners of the said land, by reason of the location of the road through the same, shall proceed, by viewing the said lands, and by such other evidence as the parties may produce before them, to ascertain and assess the damages which each individual owner will sustain by the appropriation of his land for the use or accommodation of such road or its appendages.

Appraisers to be sworn to assess damages, &c.

SEC. 18. The said appraisers shall make a report, in writing, under their hands and seals, to the said Judge, within ten days from the receipt of their commission, reciting the order for their appointment, and specifying the parcel or parcels of lands described therein, with all necessary certainty; the names of the owners of the respective parcels, if known; and if not known, stating that fact, and specifying, also, the damages which the owners of said respective parcels will sustain by reason of the appropriation of the same for the purposes aforesaid; and in case either of the parties are dissatisfied with the assessment, the Judge

Appraisers to make a report to the Judge.

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may, on hearing the parties interested, modify the assessment as shall appear just: *Provided*, that if, in the opinion of the Judge, justice will be better secured between the parties, (and not otherwise,) by extending the number of appraisers or jurors to twelve, in place of three, he is authorized to do so, who shall take proceedings the same as are specified in case the number were not extended. In case of a failure to find a verdict, by disagreement or otherwise, the Judge is authorized to order the proceedings anew, as though none had been previously taken.

Payment of
damages to be
made to Judge,
&c.

Sec. 19. That, on payment of the damages thus assessed, together with the expenses of assessment, as the same shall be settled by the Judge, or on depositing the amount thereof for the use of such owners in such place as the Judge shall direct, in writing, the corporation shall immediately become entitled to the use of said lands, or other property, for the purposes aforesaid; and the report of said appraisers, with the order of the Judge, modifying the same, in case the same shall have been modified, may be recorded in the office of the Clerk of the county where the lands or other property may lie, in the same manner, and with the same effect as deeds are recorded, without any other proof than the certificate of the said Judge, that the report is genuine.

Deeds to be
recorded.

Who to act in
case Judge is in-
terested.

Sec. 20. That, in case the Judge in the circuit where the land or other property may be, is interested therein, or related to the family claiming title to the property wanted, it shall be lawful for the corporation to apply to a Judge in an adjoining district, who shall proceed in the settlement and adjustment of the matter in controversy, in the same manner, and with the same effect as though the land or other property wanted lay within his own Judicial District.

When 5 miles
of road is done
may erect gate,
&c.

Sec. 21. So soon as any five miles of said road, continuously, shall be completed, three Justices of the Peace, in the county in which said five miles, or the major part thereof shall be located, who are not interested in the stock of said Company, shall be called on to examine the work; and if they shall certify that said road is made in conformity with the provisions of this act, the certificate shall be recorded in the office of the County Court of said county; and the President and Directors may cause a toll gate to be erected across said road, and may collect the tolls and duties hereinafter granted to said Company, from all persons traveling with horses, cattle, carriages, &c., &c. In case said disinterested Justices cannot be found, the President and Directors may give notice thereof to the Circuit or County Court of said county, and on such notice being entered of record, the said Court shall appoint three fit and discreet persons as Commissioners, whose duty it shall be to inspect said road, or so much thereof as shall be completed, and if it shall be their opinion that the road, or any

President and
Directors to give
notice, &c.; and
Judge shall ap-
point inspectors
&c.

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five miles of it, at any one part, is completed according to the provisions of this act, their report shall be recorded in said Circuit or County Court, and the Judge or Court shall enter of record, how many gates the Company may erect; whereupon, it shall be lawful for the Company to erect a toll gate for every five miles of turnpike road they have so completed, at any one time, and at such places as to them may seem most eligible: *Provided*, that no toll gate shall be erected within less than two thirds of a mile from Lebanon or Springfield.

SEC. 22. That when the said gate or gates shall be erected, as aforesaid, it shall and may be lawful for the President and Directors to appoint as many toll gatherers as they may deem requisite, and to collect and receive from every person using said road, at each toll gate, for each and every five miles they may use or travel, the toll and rates hereinafter mentioned, and to stop any person riding, leading, or driving any horse or mule, or driving any cattle, sheep, hogs, sulkey, chaise, phaeton, cart, wagon, or any other carriage of burthen or pleasure, from passing through said gate, until they shall have paid toll agreeable to the following rates, viz: For every twenty head of sheep, hogs, or other small stock, six and a fourth cents; for every horse, mule, ass, or other four footed animal of a larger kind, except cattle, four cents; for every two wheel pleasure carriage, eight cents, exclusive of the beasts by which it is drawn, and the person or persons transported in it; for every four wheel pleasure carriage, fifteen cents, exclusive as above; for every cart, if empty, ten cents, and with a burthen, fifteen cents; for every four wheel wagon, or other carriage of burthen, whose wheels shall not exceed three inches in width, twenty five cents; for every such carriage of burthen, whose wheels shall exceed three inches, but are not more than six inches in width, twenty cents; for every such carriage of burthen, whose wheels shall exceed six inches in width, ten cents, exclusive of the established toll herein of the beasts by which they are drawn. The President and Directors shall cause printed lists of the rates of toll which they may lawfully demand, to be affixed at each toll gate on the road.

Gate keepers to be appointed, and toll collected, &c.

Rates of toll, &c.

SEC. 23. That if any person, liable to pay the tolls aforesaid, at either of the toll gates erected in pursuance of the aforesaid provisions, shall, with intent to defraud the Company, pass through any private gate or bars, or along or over any grounds or lands near to, or adjoining any turnpike gate; or with intent aforesaid, shall take off, or cause to be taken off, any horse, cattle or other thing on which toll should be paid, or with intent to lessen or evade the payment of any such toll, shall practice any other fraud or device, or use force, such person, so offending, shall, for every such offence, respectively, forfeit and pay, over and

Penalty for not paying toll or avoiding gate.

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above the tolls, to the President and Directors of said Company, a sum not less than one dollar, nor more than five dollars, recoverable before a Justice of the Peace, in like manner as other debts of equal amount are in other cases.

When the road is out of order no toll is to be collected.

Sec. 24. That if, at any time, the road shall be out of repair for the space of ten days, it shall be lawful for any person to call on two Justices of the Peace, in the county through which the road passes, to go and inspect said road; and if, upon such examination, and receiving full proof that it had been out of repair ten days, the said Justices, by their order, delivered to the Treasurer of said Company, or in his absence, to the President or nearest toll gatherer, may direct that no toll shall be received at the gate or gates, over each part of said road so found to be out of repair, until so much of the road shall be repaired and put in good order; and upon the road being repaired, the President and Directors shall call upon a Justice of the Peace, who shall cause to be summoned, five disinterested freeholders, to examine the road, under oath, and if they shall be of opinion that the road is in proper repair, they shall certify to that effect, under their hands and seals, and the Justices shall, thereupon, direct that the usual toll be demanded and taken at the gate or gates which had been thrown open agreeably to the provisions of this act.

Penalty for over-charging in toll or collecting toll when road is out of order.

Sec. 25. That if any toll gatherer or other officer, shall demand, take or receive, from any one using said road, a greater amount of toll than is provided for in this act, or shall take or receive toll when the road is declared to be out of repair, the person, so offending, shall forfeit the sum of ten dollars, one half of which may be claimed by the party injured, to be recovered before any Justice of the Peace, as other debts of a like amount.

Shall keep an account of receipts and expenditures.

Sec. 26. That the President and Directors shall keep a fair account of all the receipts and expenditures of the Company, which shall, at all times, be open to the inspection of any stockholder, and be laid before the shareholders at their general meetings; they shall, at the end of every six months, after the completion of said road, make a dividend of the clear profits, and pay it to the stockholders. The dividends shall be declared on the first of May and November, in each year, unless otherwise ordered: *Provided*, that, if the net proceeds of the toll, at the rates herein allowed, shall not produce a dividend of net profits of six per cent. per annum, on the cost of said road, the same may be increased so as to produce six per cent. per annum; and if the said rates shall be found in any year to produce more than twelve per cent. per annum, they shall be reduced so that they will not exceed twelve per cent. per annum.

Dividends to be made.

Tolls may be increased.

SEC. 27. The President and Directors shall take bonds, with good security, from the gate keepers, and other persons employed by them, for the faithful discharge of the duties assigned them respectively; which bonds they may cause to be renewed whenever they deem it necessary, payable to the President, Directors and Company, as aforesaid.

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Gate keepers to give bond.

SEC. 28. That if any person shall wilfully break, deface, pull down, or destroy any mile stone, or other post, which the Company may erect or set up on the side of said road; or shall break or tear down any sign board, or obliterate any letters or figures thereon; or tear down or obliterate the rates of toll, set up at or near any turnpike gate, such person, so offending, shall, for every such offence, forfeit and pay a sum not less than one dollar, nor more than ten dollars, according to the value of the article injured, to be sued for and recovered, as other sums are, before any Justice of the Peace of the county.

Penalty for destroying mile stones, lettering and rates of toll, &c.

SEC. 29. That if any person shall cut or deaden any timber, and leave it standing to rot within one hundred and fifty feet of said road, so that the lives of passengers along the road may, at any time, be endangered thereby, such person, so offending, shall forfeit and pay the sum of ten dollars, to be sued for and recovered as in other cases mentioned; and the owners of land along said road, are hereby required to cause to be cut down, all such dead timber as may be left standing within the distance of the road specified, under the penalty of one dollar for every dead tree thus suffered to stand.

Penalty for leaving dead timber near the road.

SEC. 30. That all wheel carriages using said road, in passing other wheel carriages, shall keep on the right hand side, leaving at least one half of the track on the other side, free and clear for other carriages to pass and repass, except when overtaking or passing a carriage of slow draught, when they may pass on either side, the slow carriage leaving sufficient space; and every carter, wagoner or driver, offending against the provisions of this act, and failing to do as hereby required, shall be liable to the person injured, for all damages sustained, and a fine of five dollars, to be recovered before any Justice of the Peace as aforesaid.

Carriages to keep on the right hand side of the road.

SEC. 31. That all prosecutions for the penalties under the provisions of this act, shall be maintained and prosecuted at any time within six months after the offence was committed, and not afterwards, unless such suits shall have commenced within the time specified.

Prosecutions for penalties under this act, to be commenced in 12 months after offence.

SEC. 32. When any five miles of said road shall be completed, the President and Directors may contract for, purchase, and hold, to them and their successors forever, any quantity of land not exceeding one acre, at the site of each toll gate erected upon said road, agreeably to the provisions of this act: and if they cannot agree for such land at their respective gates, with the owner or owners thereof,

May buy land for toll house.

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they are authorized to possess themselves thereof, by application to the Judge in the district for the location of the road: *Provided*, that in the selection and appropriation of land under this section, the said President and Directors shall not include the dwelling house, out houses or gardens of any persons, without their consent; and shall not so locate the said land as to prevent the owner or owners of the adjacent lands from access to said road on either side of any gate to which they would have had access, if such location had not been made.

No toll to be paid by persons going from one part of their lands to another, or on jurors, &c.

SEC. 33. That nothing in this act contained shall be so construed as to impose toll fees upon the owners of lands through which the said road shall pass, their horses, cattle or servants, passing on said road, from one part of their farm to another; or to impose toll fees upon venire men and grand jurors of the same county, passing to and from the Court to which they are summoned, or persons passing to or from any funeral, or with any funeral procession; nor shall any tolls be imposed upon citizens of the county, while going to and returning from the general elections in said county; nor upon muster days, or attending courts of assessment, in pursuance of their duty; nor upon persons going to or returning from public worship on the Sabbath; nor upon persons passing to and from mill with grain; but all such persons shall, with their horses and vehicles, pass free of toll.

May reduce the rates of toll on annual contracts.

SEC. 34. The President and Directors shall have power to reduce the rates of toll, as provided for in this act, in all cases of persons or families who have frequent occasion to pass through one or more of the gates, such as to a neighboring town: and instead thereof, may charge a reasonable toll for such persons and their families, who may be thus allowed to pass whenever they think proper. The Treasurer shall keep an account of all persons making these annual contracts, and inform the gate keepers thereof, and furnish them with a list of the names of those persons who may avail themselves of the advantages herein allowed.

Treasurer to keep an account of annual contracts.

SEC. 35. That if the construction of the road, provided for by this act, shall not be commenced within three years from the passage hereof, the rights, privileges and immunities hereby granted, shall be void to all intents and purposes.

Approved February 18, 1848.

CHAPTER 287.

AN ACT for the benefit of Capts. Adam D. Stewart and T. L. Alexander, of the U. S. Army, now in Mexico.

WHEREAS, a suit has been instituted in the McCracken Circuit Court, by Robert Fletcher, Trustee for the use of the

heirs of Wm. Clark, deceased, against Capts. Adam D. Stewart and T. L. Alexander, both of the regular army, now in Mexico, on notes given in consideration of the purchase of lots in Paducah: and, whereas, it is further represented, that said Stewart & Alexander have a defence to said suits, and wish to file their answers to the same. Therefore,

1848.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be lawful for Gen. Wm. O. Butler, or Gen. Wm. J. Worth, or Gen. Towson, or either of them, to take the affidavit or affidavits of the said Stewart or Alexander, to their answer or answers, or answer and cross-bill, or to any other paper necessary for their defence in said suit, which shall have all the effect and force that the same would have were said affidavits taken before any officer now authorized to take the same in the United States, subject to the same penalties for swearing falsely, as though the same had been done in the McCracken Circuit Court.

Approved February 18, 1848.

CHAPTER 288.

AN ACT for the benefit of the heirs of Sarah Roberts and Pricey Brown, deceased, of Caldwell county.

WHEREAS, it is represented to the present General Assembly, that Sarah Roberts and Pricey Brown departed this life intestate, owning an interest in a tract of land of about three hundred and thirty acres, lying in Caldwell county, which, during their lives had been sold by their husbands, James H. Roberts and Coleman Brown, and a title bond was executed to the purchaser; but the said Sarah and Pricey departed this life before a deed of conveyance was executed, the said Sarah Roberts leaving one child, and the said Pricey Brown leaving six children, all of whom are under twenty-one years of age: and, whereas, it is represented, that the purchase money for said land has been paid to said James H. Roberts and Coleman Brown, and that it would be to the interest of said infant heirs to have said sale confirmed. Therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be lawful for said James H. Roberts and Coleman Brown to file their petition, or bill in chancery, in the Caldwell Circuit Court, setting forth the foregoing facts, and stating the contract made with the purchaser of said interest in said land, making the said infant heirs, the said purchaser, and the other owners of said lands defendants: If, upon a full and fair presentation of the facts, it shall be the opinion of said Judge that it would not be prejudicial to the interests of said infant heirs to have said sale confirmed, it shall be lawful for the Judge of said

May file bill,
and how to proceed.

1849.

Court to confirm said sale, and to order and decree a conveyance of the interest of said heirs, in said land, to the purchaser aforesaid, either by his Commissioner or otherwise. And said Judge is hereby vested with complete jurisdiction to make all such orders and decrees as may be necessary to protect the rights of said infant heirs, either by requiring bonds with surety, from said James H. Roberts and Coleman Brown, to pay said purchase money to said heirs when they arrive at the age of twenty-one years, or otherwise; and the conveyance ordered by said Court shall vest the title of said heirs in said purchaser as fully as if they were of full age and had themselves conveyed.

Approved February 18, 1848.

CHAPTER 289.

AN ACT to incorporate the Board of Publication of the Cumberland Presbyterian Church.

Corporators names.	SEC. 1. <i>Be it enacted by the General Assembly of the Commonwealth of Kentucky</i> , That Milton Bird, Laban Jones, Finis E. McLean, A. M. Phelps and James L. Stratton, and their successors, be and they are hereby created a body politic and corporate, by the name and style of the Board of Publication of the Cumberland Presbyterian Church, for the
Name & style.	purpose of disseminating religious literature; and they, with their successors, shall so continue, and have perpetual succession; and by that name are hereby made capable, in law, as natural persons, to contract and be contracted with, sue and be sued, plead and be impleaded, answer and be answered, in all the Courts of law and equity in this Commonwealth and elsewhere; to make, have and use, a common seal, and the same to break, alter or amend at pleasure; and they may make and ordain such rules, and regulations, and by-laws for their government, as they may deem proper, and alter or amend them at pleasure, so that they be not in contravention of the laws of the United States or of this Commonwealth.
Objects of corporation.	

May raise money, and how.	SEC. 2. The said Board shall have power to raise money by subscription, donation, devise, or in any other lawful and proper manner they may adopt, to promote their benevolent design, to any amount not exceeding fifty thousand dollars.
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May appoint officers, &c.	SEC. 3. Said Board of Trustees shall have power to appoint its own officers and agents, define their duties, stipulate and provide for their remuneration, fill vacancies, and conduct their operations according to the articles of their constitution adopted by the General Assembly of the Cumberland Presbyterian Church; and annually to report fully to said Assembly their entire doings and condition. Service of process on the President or highest officer of the Board shall be a sufficient service on the corporation.
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SEC. 4: Within three months from the passage of this act, the corporators herein named, or a majority of them, due notice having been given to all, shall call a meeting at some convenient place in Louisville, and afterwards meet on their own appointment, and proceed upon such principles as may be in accordance with the laws of the country, and their subordinate relation to the General Assembly of the Cumberland Presbyterian Church.

1848.

Meeting when to be called.

Approved February 18, 1848.

CHAPTER 290.

AN ACT to incorporate the Hopkinsville and Cumberland River Railroad Company.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That John P. Campbell, James Ware, N. E. Gray, A. Webber, F. G. Montgomery, Henry J. Stites, David Anderson, Samuel Shryock, James J. Morrison, Edmund Bacon, D. Hillman, Robert L. Cobb, William Soery, Robert McReynolds and John Stacker, be and they are hereby appointed Commissioners, under the direction of a majority of whom, subscriptions may be received to the capital stock of the Hopkinsville and Cumberland River Railroad Company, hereby incorporated; and they, or a majority of them, may have books opened at such times as they may direct, for the purpose of receiving subscriptions to the capital stock of said Company, after having given such notice of said times and places as they may deem proper; and, after the opening of said books, they shall be kept open for at least five successive days, from 10 o'clock, A. M., until 2 o'clock, P. M.; and if, at the expiration of that period, such a subscription to the capital stock of said Company as is deemed necessary to its incorporation, shall not have been obtained, the said Commissioners, or a majority of them, may cause the said books to be opened, from time to time, after the expiration of said five days, for the space of twelve months thereafter, or until the sum, necessary to the incorporation of said Company shall be subscribed; if sooner subscribed, and if any of said Commissioners shall die, resign, or refuse to act, during the continuance of the duties devolved upon them by this act, another may be appointed in his stead, by the remaining Commissioners, or a majority thereof.

Comrs appointed to receive subscriptions.

Books to be opened.

Vacancies to be filled.

SEC. 2. *Be it further enacted*, That the capital stock of the said Hopkinsville and Cumberland River Railroad Company shall be five hundred thousand dollars, in shares of one hundred dollars each, which may be subscribed for by any individual or corporation; and as soon as two thousand shares of said capital stock shall be subscribed, the sub-

Capital stock.

1848.

Name of com-
pany.
May hold real
estate.

scribers thereof, their successors and assigns, shall be and they are hereby declared to be incorporated into a Company by the name of "The Hopkinsville and Cumberland River Railroad Company;" and by that name shall be capable, in law, of purchasing, holding, selling, leasing, and conveying, real estate, not exceeding two thousand five hundred acres, and personal and mixed estate, so far as the same shall be deemed necessary for the purposes hereinafter named; and shall have perpetual succession; and by said corporate name may sue and be sued, and may have and use a common seal, which they shall have power to alter and renew at their pleasure; and shall have and enjoy, and may exercise, all the powers, rights and privileges which other corporate bodies may lawfully do, for the purposes mentioned in this act.

If more than
enough subscrib-
ed how reduced.

Sec. 3. *Be it further enacted*, That if more than five thousand shares shall be subscribed to the capital stock of said Company, the Commissioners, or a majority of them, shall reduce, by striking off from the largest number of shares in succession, until the subscriptions are reduced to that number.

\$1 on each
share to be paid
when subscrib-
ed.

Sec. 4. *Be it further enacted*, That, at every such subscription, there shall be paid, at the time of subscribing, to the said Commissioners, or their agents, appointed to receive said subscription, either in money or a note, negotiable and payable at some bank in this State, as said Commissioners may elect, at sixty days, the sum of one dollar on every share subscribed; and the residue thereof shall be paid in such instalments, and at such times as may be required by the President and Directors of said Company: *Provided*, no payment shall be demanded until at least thirty days' public notice, in the newspapers published in Hopkinsville, shall have been given of such demand, by said President and Directors; nor shall more than twenty-five per cent. of each share of said stock be called for in any one year; but if the wants of said Company should require the payment of the stock to be made more rapidly than is provided for herein, or should the President and Directors, or a majority of the whole number elected, consider it expedient, for the purpose of aiding the stockholders, or hastening the contemplated road, it shall be lawful for them to borrow any sum of money, not exceeding two hundred thousand dollars: and if any subscriber shall fail or neglect to pay any instalment, or part of said subscription, demanded according to the provisions of this section, for the space of sixty days next after the time when the same shall become due and payable, the stock on which it is demanded shall be forfeited to the Company, and may be sold by the President and Directors for the benefit of said Company; but the President and Directors, by a majority of the whole Board, may remit any such forfeiture on such terms as they may

Notice of calls
to be given be-
fore collected.

Directors may
borrow money.

Forfeiture of
stock.

deem proper; and such delinquent stockholder or subscriber may be sued in any Court having competent jurisdiction, in this State, by the President and Directors of said Company, in the name of said Company, whereby it is incorporated, for the amount of the remainder due and owing from such delinquent.

1848.

SEC. 5. *Be it further enacted*, That if the subscription, herein made necessary to the incorporation of said Company, shall not be obtained in ten years after the first opening of the books by the Commissioners under this act, then this act, and all the subscriptions under it, shall be null and void; and said Commissioners shall, after discharging the expenses of opening the books, return the residue of the money paid in upon the subscriptions, to the several subscribers, in proportion to the sums respectively paid by each.

If stock is not subscribed in 10 years this charter is forfeited.

SEC. 6. *Be it further enacted*, That, at the expiration of the five days for which the books are first opened, if one thousand shares of capital stock shall have been subscribed, or if not, as soon thereafter as the same shall be subscribed, if within ten years after the first opening of the books, the said Commissioners, or a majority of them, shall call a general meeting of the subscribers, at such time and place as they may appoint, and shall give at least twenty days public notice thereof, in the newspapers in the town of Hopkinsville; and at such meeting said Commissioners shall lay the subscription books before the subscribers then and there present; and, thereupon, the said subscribers, or a majority of them then present, shall have the power to elect from among the stockholders, seven Directors, by ballot, to manage the affairs of said Company, and those seven Directors, or a majority of them, shall have the power to elect a President of said Company, either from among the Directors or any other stockholder, and of allowing him such compensation for his services as they may think proper; and in such election, and in all other elections, or on all occasions wherein a vote of the stockholders of said Company is to be taken, each stockholder shall be allowed one vote for every share owned by him or her; and every stockholder may, in writing, depute any other person to vote and act for it, him or her, as its, his or her proxy; and the Commissioners aforesaid, or any three or more of them, shall be judges of the said first election of Directors.

Com'rs to call meeting stockholders.

President and Directors to be elected. & compensation.

Ratio of votes, &c.

Proxy.

SEC. 7. *Be it further enacted*, That, to continue the succession of the President and Directors of said Company, seven Directors shall be chosen annually, on the first Monday in May in every year, in the town of Hopkinsville, by the stockholders of said Company; and that the Directors of said Company, or a majority of them, shall have the power to appoint judges of all elections, and to elect a President of said Company, either from among the said Directors or any

Annual elections.

1848.

Vacancies—
how filled.

other stockholder, and to allow him such compensation for his services as they may deem proper; and if any vacancy shall occur, by death, resignation, or refusal to act, of any President or Director, before the year for which he was elected has expired, a person, to fill such vacancy for the residue of the year, shall be appointed by the President and Directors of said Company or a majority of them; and that the President and Directors of the Company shall hold and exercise their offices until a new election of President and Directors; and that all elections which are, by this act, or by the by-laws of said Company to be made in a particular day, or at a particular time, if not made on such day or time, may be made within thirty days thereafter, upon notice publicly given.

Meeting of
the stockholders
may be called.

SEC. 8. *Be it further enacted*, That a general meeting of the stockholders of said Company may be called at any time during the interval between the annual meetings, by the President and Directors, or a majority of them, or by the stockholders owning at least one-fourth of the whole stock subscribed, upon giving 30 days notice of the time and place of holding the same, in the newspapers in the town of Hopkinsville, which said meeting shall be at some place in said town; and when any such meetings are called by the stockholders, such notice shall specify the object of the call; and if, at any such called meetings, a majority, in value, are not present in person or by proxy, the same shall be adjourned from day to day, without transacting any business for any time not exceeding five days; and if, within said five days, stockholders having a majority, in value, of the stock subscribed, do not thus attend, such meeting shall be dissolved.

President and
Directors shall
make annual re-
ports, &c.

SEC. 9. *Be it further enacted*, That at the regular annual meetings of the stockholders of said Company, it shall be the duty of the President and Directors in office for the preceding year, to exhibit a clear and distinct statement of the affairs of the Company; that, at any called meeting of the stockholders, a majority, in value, of the stock subscribed being present, may demand and require similar statements from the President and Directors, whose duty it shall be to furnish them when thus required; and that, at all general meetings of the stockholders in said Company, a majority, in value, of said stockholders, may remove from office the President or any of the Directors, and fill up the vacancies thus made in the same manner that they could do at their stated annual meetings.

To take oath.

SEC. 10. *Be it further enacted*, That the President and Directors of said Company, before he or they act as such, shall swear or affirm, as the case may be, before some Justice of the Peace, that he or they will well and truly discharge the duties of said office to the best of his or their skill and judgment.

1848.

SEC. 11. *Be it further enacted*, That if any of the stock, created by virtue of this act, shall remain unsubscribed until after the election of the President and Directors, as provided for in the 6th section, the said President or Directors, or a majority of them, shall have power to open books and receive subscriptions to any of the capital stock which may remain untaken or unsubscribed for, or to sell or dispose of such untaken stock for the benefit of the Company, not under its par value; and the subscribers or purchasers of said stock shall have all the rights of original subscribers, and subject to the same regulations.

Board may receive subscriptions or sell untaken stock.

SEC. 12. *Be it further enacted*, That the said President and Directors, or a majority of them, may appoint all such officers, agents or servants, as they may deem expedient for the business of the Company; and they may remove any of them at pleasure. That they, or a majority of them, may determine, by contract, the pay of such officers, agents and servants, and regulate, by by-laws, the manner of adjusting all accounts against the Company; that they shall have power to erect warehouses, workshops, depots, and all other buildings necessary for the transaction of the business of the Company; that they shall have power to direct and regulate in what manner, and by what evidence, stock in said Company may be transferred; and to pass all by-laws which they may deem proper and necessary for exercising the powers hereby vested in said Company and for carrying into effect this act: *Provided*, the same shall not be contrary to the laws of the United States or of this State.

Board shall appoint Agents, officers, &c.; fix their pay.

May make by-laws, &c.

SEC. 13. *Be it further enacted*, That if the capital stock of said Company shall be deemed insufficient for the purposes of this act, it shall and may be lawful for the President and Directors of said Company, or a majority of them, from time to time, to increase the same by the addition of as many shares as they may deem necessary, not exceeding in amount one million of dollars, giving notice as herein before prescribed.

May increase capital stock.

SEC. 14. *Be it further enacted*, That the President and Directors of said Company are hereby vested with all powers and rights necessary to the construction of a railroad, from the town of Hopkinsville to some point on the Cumberland river, between Canton and Eddyville, or at Eddyville, or to the Ohio River, as they may deem expedient. The route to be by them selected and determined, not exceeding sixty-six feet wide, with as many sets of tracks as they may deem necessary; and that they cause to be made, a contract, with others, for making said road or any part thereof; and that they, or their agents, or those with whom they may contract for making the same, or any part thereof, may enter upon, use and excavate, any land, which may be wanted for the site of said road, or the erection of ware-

May locate & build road.

May enter on lands, &c., and use materials for road.

1848.

houses or other works necessary to said road and its use, or for any other purpose necessary or useful in the construction or repairs of said road or its works; and that they may build bridges: *Provided*, the same do not obstruct navigation on navigable streams; may fix scales and weights, lay rails, take and use any earth, timber, gravel, stone or other materials, necessary, or that may be wanted for the construction of said road or its repairs, or any part of its works whatsoever, which may be deemed expedient to the proper completion of the same.

May agree with
owners of lands,
&c., for their
use.

Damages, how
assessed.

SEC. 15. *Be it further enacted*, That the President and Directors of said Company, or a majority of them, or any person authorized by a majority of them, may agree with the owner of any land, earth, timber, or stone, or any other materials, or any improvements which may be wanted for the construction or repair of any of said roads, or any of their works, for the purchase or the use and occupation of the same; and if they cannot agree, and if the owner or owners, or any of them, be a *feme covert*, under age, *non compos mentis*, or out of the county in which the property wanted may lie, when such land or materials may be wanted, application may be made to any Justice of the Peace of such county, who shall, thereupon, issue his warrant, under his hand, directed to the Sheriff of such county, requiring him to summon a jury of twenty inhabitants, not related, or in any wise interested, to meet on the land, or near the property or materials to be valued, on a day named in said warrant, not less than ten nor more than twenty days after the issuing of the same; and if, at the time and place, any of said jurors do not attend, said Sheriff shall forthwith summon as many jurors as may be necessary, with the jurors in attendance, and from them each party, or if not present by agent or otherwise, the Sheriff then for the party absent, may strike off four jurors, and the remaining twelve shall act as the jury of inquest of damages; and before they act as such, the said Sheriff shall administer to each of them an oath or affirmation, that he will justly and impartially fix the damages which the owner or owners shall sustain by the use and occupation of the said property required by the Company; and the said jury, in estimating such damages, shall take into consideration the benefits resulting to the owner, from conducting said road by, through, or near the property of said owners, but only in extinguishment of damages; and said jury shall reduce their verdict to writing, and shall sign the same, and it shall be returned, by said Sheriff, to the Clerk of his county, and by such Clerk shall be filed in his office, and shall be confirmed by the court of said county at its next session, if no sufficient cause to the contrary be shown; and when so confirmed, shall be recorded by said Clerk at the expense of said Company; but if set aside, the court may direct an-

other inquisition to be taken in the same manner above prescribed; and such inquisition shall describe the property taken, or the bounds of the land condemned, and the duration of interest in the same, valued for the Company; and such valuation, when tendered or paid to the owner or owners of said property, or his, her, or their legal representatives, shall entitle said Company to the estate and interest in the same, thus valued, as fully as if it had been conveyed to it by the owner or owners of the same; and the valuation of the same, if not received when tendered, may, at any time thereafter, be received from the Company without costs, by the said owner or owners, his or their legal representatives or heirs.

1848.

May proceed to make road when payment is made or tendered, for damages assessed.

Sec. 16. *Be it further enacted*, That, whenever, in the construction of said road or roads, it shall be necessary to intersect any other established road or way, it shall be the duty of said President and Directors so to construct said road across such road or way, as not to impede the passage of persons or property along the same; or when it shall be necessary to pass through the land of any person, it shall also be their duty to provide for such person, proper wagon way across said railroad, from one part of the land to the other; and if said Company shall fail to provide proper wagon ways across said road, as provided in this section, it shall be lawful for any person to sue said Company, and be entitled to such damages as a jury may think him or her entitled to, for such neglect.

Shall construct road so as not to obstruct other roads.

Sec. 17. *Be it further enacted*, That whenever it shall be necessary for said Company to have, use or occupy, any land, materials, or other property, in order to the construction or repair of any part of said road or roads, or their works or necessary buildings, the President and Directors of said Company, or their agents, or those contracting with them for working or repairing the same, may immediately take and use the same, they having first caused the property wanted to be viewed by a jury, (formed in the manner hereinbefore prescribed in those cases where the property is to be changed or altered by admixture with other substances before such alteration is made,) and that it shall not be necessary after such view, in order to the use and occupation of the same, to wait the issue of the proceedings upon such view; and the inquest of the jury after the payment or tender of such valuation, shall be a bar to all actions for taking and using such property, whether begun before or after such confirmation, or the payment of said valuation.

Property may be used for repairs after being valued, &c.

Sec. 18. *Be it further enacted*, That the said President and Directors shall have power to purchase, with the funds of said Company, and place on any railroads constructed by them under this act, all machines, waggons, vehicles, or carriages of any kind, which they may deem proper, for the

May purchase & use machinery, &c., on road.

1848.

Charges for
freight, passen-
gers, &c.

No one shall
run cars on road
but the Compa-
ny.

Stock to pay
no tax for thirty
years, and then
only as real es-
tate is taxed.

Dividends.

Penalty for in-
juries done to
road, &c.

purposes of transportation on said road; and that they shall have the power to charge, for tolls, and the transportation of persons, merchandise and property of any kind whatever, transported along said rail-way, any sum not exceeding the following rates, to-wit: on all goods, merchandise or property, for every one hundred pounds, transported over twenty miles and under fifty miles, three and a half mills for each mile; and for persons, and every species of live stock and every other description, they shall charge at the same rate that is at present charged on the rail-way from Lexington to Frankfort; that it shall not be lawful for any other company, or any other person or persons, to travel upon, or use any of the said roads of said Company, or to transport persons or property thereon, without the license and permission of the President and Directors thereof; and that the said road or roads, with all their works, improvements or profits, and all the carriages, vehicles, and machinery for transportation, used therein, and all other species of property thereunto belonging, are hereby vested in said Company, incorporated by this act, and their successors, forever; and the shares of the capital stock, and all the estate, real and personal, belonging thereto, shall be exempt from the imposition of taxes, by the Commonwealth of Kentucky, for the term and space of thirty years, from the passage of this act, and shall never be taxed beyond the rate of tax imposed upon real estate, estimated upon the prime costs, for the execution and corporation of the proposed works; nor will the Legislature of this Commonwealth, for the space of thirty years, authorize any other railroad to be laid down on a parallel line with the one located by this Company, approaching nearer than ten miles: *Provided*, that nothing herein contained shall prohibit the construction of a turnpike from Hopinsville to the Tennessee line, in the direct line to Clarksville or to Nashville.

Sec. 19. *Be it further enacted*, That the said President and Directors shall, annually or semi-annually, declare and make such dividend as they may deem proper, of the nett profits arising from the resources of said Company, after deducting the necessary current and probable contingent expenses; and that they shall divide the same among the stockholders of said Company, in proportion to their respective shares.

Sec. 20. *Be it further enacted*, That if any person or persons shall wilfully, by any means whatsoever, injure, impair, or destroy any part of any railroads, or road constructed for said Company, under this act, or any of their works, buildings, carriages, vehicles, or machinery, such person or persons shall, for every such offence, forfeit and pay, to the said Company a sum not exceeding five hundred dollars, recoverable in the name of said Company, by an action of debt, in the Circuit Court of the county wherein such offence shall be committed; and shall, also, be subject to in-

dictment by the grand jury of said county in said Court; and upon conviction of such offence, be imprisoned in the jail thereof, and in the penitentiary, not less than six months nor more than four years, in the discretion of a jury.

SEC. 21. *Be it further enacted*, That, so soon as the Company shall have completed five miles of their route, they may commence and prosecute their business, upon the terms and upon the stipulations herein provided, as though the whole work was completed.

SEC. 22. That, hereafter, the Legislature shall have power to tax the stock in said Company at the same rate other property is taxed in this Commonwealth.

Approved February 19, 1848.

1848.

May proceed to business as soon as 5 miles is done.

State may tax stock.

CHAPTER 291.

AN ACT to incorporate the Walnut Street Christian Church, of the City of Louisville.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That Richard P. Lightburne, W. D. Scott, William Terry, J. B. Slaughter and E. P. Pope, and their successors in office, be and they are hereby created a body corporate and politic, by the name and style of the Walnut Street Christian Church of the City of Louisville; and by that name have perpetual succession, with all the powers incident to corporations, for the purpose of suing and being sued, pleading and being impleaded, so far as may be necessary to protect the rights, titles, property, privileges, possessions and immunities of said Church, which now do or may hereafter belong to the same.

SEC. 2. That whenever vacancies occur with said Trustees, it shall and may be lawful for them to be filled pursuant to the rules and discipline of said Church.

SEC. 3. That the purchase made, and deed to, George C. Gwathmey, John B. Bland and Walker Alsop, Trustees for the purpose, on behalf of said Church, by William Kaye and wife, grantors, dated 25th September, 1835, and the deed from said Trustees to W. T. Spurrier, of May 9th, 1837, and the deed by said Gwathmey & Bland, survivors, to the colored Baptist Church of the City of Louisville, of June 30th, 1845, and the purchase, by the Trustees hereby created, of the ground on Walnut street, from the Bank of Kentucky, be and the same are hereby legalized and declared as effectual, according to the terms, covenants and conditions of said deeds and purchase, as if made by the said Christian Church, by virtue of an act of incorporation.

SEC. 4. That when a deed is obtained from the Bank of Kentucky, for the lot of ground on Walnut and Fourth streets, whereon is erected the chapel of the said Walnut Street Church, the same may be conveyed to the Trustees

Corporators names.

Name & style.

Powers, &c.

Vacancies how filled.

Purchase of Gwathmey, and deed legalized.

Lot on 4th street may be conveyed to the Trustees.

1848.

hereby created in this act, who shall have power, and their successors, to hold the title thereof, as a security to the said Lightburne, Scott, Terry, Slaughter and Pope, who have become bound in the deed of conveyance, as warrantors of title to the said colored Baptist Church.

Approved February 19, 1848.

CHAPTER 292.

AN ACT increasing the powers of the Trustees of the Princeton Seminary, and for other purposes.

Trustees may
sell portion of
Seminary lot.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the Trustees of the Princeton Seminary, in Caldwell county, be and they are hereby authorized to sell and convey, for the best price possible, the Northern half of the lot on which said Seminary building now stands, including the frame building in which James C. Weller now lives, fronting on Main South street, in said town; and said Trustees are hereby authorized to appropriate the money, arising from the sale of said lot, to finishing the Seminary building, or so much thereof as shall be necessary for that purpose, and hold the balance, if any, to be used for the advancement of said Seminary as an Institution of learning, as said Trustees shall deem advisable.

Money, how to
be appropriated.

Provisions of
act of 1847 mod-
ified.

SEC. 2. That so much of an act, approved 26th February, 1847, giving additional powers to the Trustees of the town of Princeton, in Caldwell county, and for other purposes, as requires that part of Main Cross street, in said town, to have side-walks at least eight feet wide, with brick and stone curbing, be so modified as to permit the Trustees, if to them it shall seem right, to cause that part of said street, South of the Methodist Church, and on the same side of said street on which said Church stands, to be paved with good, smooth, flat stones, to the width of six feet, to the termination of the town boundary, in the direction to Eddyville.

Approved February 19, 1848.

CHAPTER 293.

AN ACT for the benefit of James L. Ballard and Matilda, his wife.

Wife to join in
sale of land.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be lawful for Matilda Ballard, wife of James L. Ballard, to join in the sale and conveyance of her interest in a tract of land that descended to her from her brother, William Flournoy, deceased, lying in Washington county; and a deed of conveyance executed by her and her said husband, James L. Ballard, in conformity with existing laws, shall be effectual to vest the title, in fee

simple, in the grantee, as if the said Matilda were of full and mature age: *Provided*, that no such conveyance shall pass the title to said land until the said James L. Ballard execute bond, with one or more good securities, in a penalty double the value of said Matilda's interest in the land to be conveyed, payable to the Commonwealth of Kentucky, in the Clerk's office of the Washington County Court, conditioned that the proceeds of the sale shall be vested in lands in the State of Missouri, and the title to be secured to and vested in the said Matilda Ballard; which bond shall be preserved in said office, and it may be put in suit by the said Matilda Ballard, or her heirs, for any breach thereof.

1848.

Approved February 25, 1848.

CHAPTER 294.

AN ACT for the benefit of Robert S. Taylor, and others.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be lawful for Robert S. Taylor to file his bill in chancery in the Clarke Circuit Court, therein stating, on oath, that he intermarried with Elizabeth Houston, the daughter of John Houston, deceased, who left another daughter, Nancy Houston, also surviving him; and that said Nancy and Elizabeth constituted the whole of John Houston's heirs at law; and that, from said John, there descended to said Nancy and Elizabeth, two tracts of land lying, one tract of about three hundred and eleven acres, in Fayette county, and the other tract of about one hundred and fifty-two acres, lying in Clarke county; and that said tracts were divided between said Nancy and Elizabeth, after they had both attained the age of twenty-one years, and while the said Elizabeth was the wife of the said Robert S. Taylor; and that, by said division, there was allotted to said Elizabeth, the whole of said Clarke tract, and about seventy-nine acres of the Fayette tract; and the residue of said Fayette tract, in said division, was allotted to said Nancy Houston; and that, by parol contract, the said Robert S. Taylor and Elizabeth, his wife, during their coverture, sold said Clarke land to James Bataile, at the price of fifty-seven dollars and fifty cents per acre, and said seventy-nine acres of the Fayette land to said Nancy Houston, at the price of fifty dollars per acre; and that, before said contracts of sale were consummated by deeds, or other writings, the said Elizabeth died, leaving two infant children, named Sarah Elizabeth Taylor and Ann Taylor, who constituted the whole of her heirs at law; and that said sales are upon advantageous terms to said infants, and that the confirmation thereof would redound to the permanent advantage of said infant children.

May file bill;
its statements.

1848.

Infants to be parties.

Court may decree.

Proviso.

Said infant children shall be made parties to said bill in chancery, and defendants thereto; and, upon due service of process on them, and their appearance, by their guardian, *ad litem*, and satisfactory proof of the foregoing facts in open Court, or by depositions, it shall be lawful for said Court to decree a confirmation of said sale, and by Commissioner cause the title of the said tracts of land to be conveyed to said Battaile and Nancy Houston, respectively, in case said Court shall be of opinion, upon mature consideration of the allegations and proof in the cause, that such sales were made at fair prices, and the confirmation thereof will redound to the permanent advantage and welfare of said infants: *Provided*, that, before the rendition of such decree, confirming said sales and the appointment of such Commissioner, said Court shall cause said Robert S. Taylor to execute bond, with sufficient security to said infants, in a penalty equal to double the value of said land, to pay to said infants, at the death of said Robert S. Taylor, their respective portions of said proceeds of sale; which bond said Court shall cause to be preserved among the papers of said suit.

Approved February 25, 1848.

CHAPTER 295.

AN ACT to incorporate the Lebanon Lodge.

Corporators names, and corporate powers.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That Tho. J. Purdy, E. P. Mahon, J. P. Reed, Thomas Jackson, E. C. Purdy, Edward Kirk and William Milburn, and their successors in office, on the part of the Lebanon Masonic Lodge, No. 87, and by that name are hereby authorized and empowered to receive a deed of conveyance, for lands and estate in Marion county, to the value of three thousand dollars, and to hold the same, with its appurtenances, to and for the use and benefit of the Masonic Lodge, No. 87; and in that name to sue and be sued, plead and be impleaded, and shall be authorized to receive contributions, made either in money or property, for the benefit of said Lodge, not exceeding the sum aforesaid; and to sue for and recover any money that may be due, or for any damages or trespass that may be done or committed to the property of said Lodge.

Trustees may pass by laws.

SEC. 2. That the Trustees, or their successors in office, or a majority of the same, may pass by-laws, rules and regulations, not inconsistent with the constitution and laws of this State, as may be necessary for the protection, management and safe-keeping of their property; and the money recovered for any trespass or injury done on or to the property, shall be applied to the use and benefit of said Lodge.

SEC. 3. That the by-laws, rules and regulations, adopted by the Trustees, shall be submitted by them to the Lodge, No. 87, at the next meeting, for approval; and when approved, shall be obligatory, and not before: The Master, Senior and Junior Wardens of Lodge, No. 87, shall be the Trustees of said Lodge.

1848.

Trustees.

Approved February 25, 1848.

CHAPTER 296.

AN ACT to incorporate the "Long Run Baptist Church, of Jefferson county."

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That John Johnson, John Cregg, George Hudson, Shelby Dale, Tramel Conn and Thomas Collins, be and they are hereby constituted a body politic and corporate, to be known by the name of the Trustees of of the "Long Run Baptist Church, of Jefferson county;" and by that name shall have perpetual succession and a common seal; and the said Trustees shall have the power to fill all vacancies that may occur in the Board of Trustees; and in case the office of all the Trustees should become vacant, at any time, then, and in that case, a majority of the white members of said church, at the time of such vacancy, shall proceed to fill the same; and the person or persons so appointed, shall be vested with power and authority as if named in this act specially; and by the name and style of the "Long Run Baptist Church, of Jefferson county," may sue and be sued, plead and be impleaded, in any court of law or equity in this Commonwealth.

Corporation.

Style.

Powers, &c.

SEC. 2. That the above named Trustees, or their successors, be and they are hereby vested with full power to hold and own the present lot of ground belonging to said church, with the appurtenances, or any other ground which may hereafter be deeded to said church: *Provided*, the same shall not exceed two acres.

May hold present or other ground for said Church.

SEC. 3. That the Legislature reserves the right to amend and alter this act at pleasure.

Approved February 26, 1848.

CHAPTER 298.

AN ACT for the benefit of the widow and heirs of John Turley, deceased.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That when it shall appear to the satisfaction of the Judge of the Caldwell Circuit Court, that William H. Young, the executor of John Turley, deceased, has executed a new bond in the office of the Caldwell Coun-

Court may decree a sale upon conditions.

1848.

ty Court, larger in amount, by six hundred dollars, than the one he has already given for the due execution of the will of the said John Turley, deceased, to enter up a decree upon the records of said court, appointing said executor a commissioner to sell, at public sale, a negro man named George, aged about thirty years, to the highest bidder, on such credit as said court shall deem reasonable, taking bond with approved security from the purchaser, bearing interest from date, for the purchase money, payable to himself, as such Commissioner, and make a report of the sale to said court at its next term; which report shall be entered of record in said court.

Executor's duty

SEC. 2. *Be it further enacted*, That it shall be the duty of said executor to loan out, from year to year, the money arising from the sale of said slave, and annually pay over to the widow of said John Turley, deceased, the interest accruing on said sum of money, during the lifetime of said widow, unless she shall signify, in writing, to said executor, a desire on her part to have said sum of money distributed among the heirs of said John Turley, deceased, according to the provisions of the will of said decedent.

Approved February 25, 1848.

CHAPTER 299.

AN ACT for the benefit of Joseph C. Harrison, of Boone county, and others.

May sell land.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That Joseph Cabell Harrison be and he is hereby authorized and empowered to sell and convey the tract of land, in Boone county, whereon he resides, containing 260 acres, and being the same purchased by him of of E. S. and C. S. Clarkson, and by them conveyed to the said Joseph C. Harrison, and his wife and children, by deed, dated January 12, 1838, recorded in the County Court Clerk's office of Boone county, book L, page 167: *Provided, however*, said sale and conveyance be with the assent of James M. Preston and William Ernst, and not otherwise.

Trustees appointed.

SEC. 2. *Be it further enacted*, That said James M. Preston and William Ernst be, and they are hereby constituted and appointed Trustees for the said Harrison, his wife and children, to whom the notes for the purchase money of the said land shall be payable, and the payments made; and the said Trustees are hereby directed and authorized to invest the proceeds of such sale in good bank stock, or State bonds or town property; which said stock, bonds or real estate, when purchased, shall be vested in said Trustees, in trust, as nearly as practicable according to the limitations, provisions and objects of the deed, aforesaid, from the Clarkson's to the said Harrison, his wife and children.

Approved February 25, 1848.

CHAPTER 300.

AN ACT to amend an act, entitled, an act to increase the powers of the Trustees of the town of Versailles.

1848.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That on the trial of a warrant brought in the name of the Chairman and Board of Trustees of the town of Versailles, against any person or persons for breach of the peace, an affray, assault, riot, rout or unlawful assembly, committed within the limits of said town, it shall be in the discretion of a jury, by their verdict, to award either fine and imprisonment in jail, or both; and when any person or persons shall be guilty of a breach of any of the legal ordinances now in existence, or may hereafter in a legal manner be enacted, for the good order and government of said town of Versailles, and shall be fined for the offence or offences with which he, she or they stand charged, and fail or refuse to pay said fine, he, she or they, so failing or refusing to pay said fine or fines, shall be committed to jail, there to remain until they have discharged said fines: *Provided*, he, she or they shall not be compelled to stay in jail for a greater period of time than twenty four hours for every two dollars he, she or they, are so fined, or in proportion thereto. And that the Police Judge, Justice of the Peace, or Circuit Judge, before whom any person or persons are tried, and found guilty of any of the offences, as set forth in this act, or of any any of the legal ordinances of said town of Versailles, now in existence or hereafter enacted for the good order and government of said town, shall have authority, and are directed to issue *capias profines* in as full and complete a manner as are now issued for breaches of the laws of this Commonwealth.

On trial for riot, &c., jury may award fine or imprisonment or both.

Persons guilty may be imprisoned on failure to pay fine.

Proviso.

Capias profines may issue.

Approved February 25, 1848.

CHAPTER 301.

AN ACT for the benefit of Benjamin W. Burge, of Warren county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall and may be lawful for the Warren County Court, if to said Court it shall seem right, to appoint Benjamin W. Burge a constable in the district of Temple P. Smith, in said county; and his appointment shall be as valid as though he had resided in said district six months previous to his appointment, as now required by law.

Approved February 25, 1848.

CHAPTER 303.

AN ACT for the benefit of the Surveyors of Henry and Lewis counties.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That Silas W. Hunt, of Henry coun-

1848.

houses or other works necessary to said road and its use, or for any other purpose necessary or useful in the construction or repairs of said road or its works; and that they may build bridges: *Provided*, the same do not obstruct navigation on navigable streams; may fix scales and weights, lay rails, take and use any earth, timber, gravel, stone or other materials, necessary, or that may be wanted for the construction of said road or its repairs, or any part of its works whatsoever, which may be deemed expedient to the proper completion of the same.

May agree with
owners of lands,
&c., for their
use.

Damages, how
assessed.

SEC. 15. *Be it further enacted*, That the President and Directors of said Company, or a majority of them, or any person authorized by a majority of them, may agree with the owner of any land, earth, timber, or stone, or any other materials, or any improvements which may be wanted for the construction or repair of any of said roads, or any of their works, for the purchase or the use and occupation of the same; and if they cannot agree, and if the owner or owners, or any of them, be a *feme covert*, under age, *non compos mentis*, or out of the county in which the property wanted may lie, when such land or materials may be wanted, application may be made to any Justice of the Peace of such county, who shall, thereupon, issue his warrant, under his hand, directed to the Sheriff of such county, requiring him to summon a jury of twenty inhabitants, not related, or in any wise interested, to meet on the land, or near the property or materials to be valued, on a day named in said warrant, not less than ten nor more than twenty days after the issuing of the same; and if, at the time and place, any of said jurors do not attend, said Sheriff shall forthwith summon as many jurors as may be necessary, with the jurors in attendance, and from them each party, or if not present by agent or otherwise, the Sheriff then for the party absent, may strike off four jurors, and the remaining twelve shall act as the jury of inquest of damages; and before they act as such, the said Sheriff shall administer to each of them an oath or affirmation, that he will justly and impartially fix the damages which the owner or owners shall sustain by the use and occupation of the said property required by the Company; and the said jury, in estimating such damages, shall take into consideration the benefits resulting to the owner, from conducting said road by, through, or near the property of said owners, but only in extinguishment of damages; and said jury shall reduce their verdict to writing, and shall sign the same, and it shall be returned, by said Sheriff, to the Clerk of his county, and by such Clerk shall be filed in his office, and shall be confirmed by the court of said county at its next session, if no sufficient cause to the contrary be shown; and when so confirmed, shall be recorded by said Clerk at the expense of said Company; but if set aside, the court may direct an-

other inquisition to be taken in the same manner above prescribed; and such inquisition shall describe the property taken, or the bounds of the land condemned, and the duration of interest in the same, valued for the Company; and such valuation, when tendered or paid to the owner or owners of said property, or his, her, or their legal representatives, shall entitle said Company to the estate and interest in the same, thus valued, as fully as if it had been conveyed to it by the owner or owners of the same; and the valuation of the same, if not received when tendered, may, at any time thereafter, be received from the Company without costs, by the said owner or owners, his or their legal representatives or heirs.

SEC. 16. *Be it further enacted*, That, whenever, in the construction of said road or roads, it shall be necessary to intersect any other established road or way, it shall be the duty of said President and Directors so to construct said road across such road or way, as not to impede the passage of persons or property along the same; or when it shall be necessary to pass through the land of any person, it shall also be their duty to provide for such person, proper wagon way across said railroad, from one part of the land to the other; and if said Company shall fail to provide proper wagon ways across said road, as provided in this section, it shall be lawful for any person to sue said Company, and be entitled to such damages as a jury may think him or her entitled to, for such neglect.

SEC. 17. *Be it further enacted*, That whenever it shall be necessary for said Company to have, use or occupy, any land, materials, or other property, in order to the construction or repair of any part of said road or roads, or their works or necessary buildings, the President and Directors of said Company, or their agents, or those contracting with them for working or repairing the same, may immediately take and use the same, they having first caused the property wanted to be viewed by a jury, (formed in the manner hereinbefore prescribed in those cases where the property is to be changed or altered by admixture with other substances before such alteration is made,) and that it shall not be necessary after such view, in order to the use and occupation of the same, to wait the issue of the proceedings upon such view; and the inquest of the jury after the payment or tender of such valuation, shall be a bar to all actions for taking and using such property, whether begun before or after such confirmation, or the payment of said valuation.

SEC. 18. *Be it further enacted*, That the said President and Directors shall have power to purchase, with the funds of said Company, and place on any railroads constructed by them under this act, all machines, waggons, vehicles, or carriages of any kind, which they may deem proper, for the

1848.

May proceed to make road when payment is made or tendered, for damages assessed.

Shall construct road so as not to obstruct other roads.

Property may be used for repairs after being valued, &c.

May purchase & use machinery, &c., on road.

1848.

fines, so recovered, shall be paid over to said Trustees, or their Collector, for the use of the town, for which a *feri facias* or *capias profine* may issue at the election of said Trustees.

Persons and
property subject
to taxation.

SEC. 5. All persons residing within the limits of said town, and all property lying and being in said town, and subject to taxation under this act, and the act to which this is an amendment, shall be excepted from the operation of the road law of said county.

Collectors du-
ty.

SEC. 6. It shall be the duty of the Collector, in addition to the duties heretofore imposed on him, to take receipts for all moneys paid out by him, and give receipts for all moneys paid to him. He shall keep a fair record of all moneys received and paid out by him, and shall pay all appropriations made by the Board of Trustees, and certified by their Clerk, and shall preserve and file all orders paid by him. His accounts shall, at all times, be subject to the inspection of the Board of Trustees, or any one of them; and shall, at all times, when called upon by said Board, make a full report of all moneys received as well as paid out by him; and the bond of said Collector may be sued on by the Board of Trustees, (to whom the same shall be made payable,) in any Circuit Court, for a breach thereof.

Trustees shall
procure a plat of
town, &c.

SEC. 7. It shall be the duty of the Board of Trustees to procure, as soon as practicable, a correct and full plat of all the lots, streets and alleys, of said town, and acknowledge the same before the Clerk of the County Court for said county, for record; which shall be taken as evidence in any court of justice, of the location of lots, streets and alleys.

May pay for
services.

SEC. 8. That the Board of Trustees shall have power to allow, and pay a fair and adequate compensation for the services of any person or persons in their employ; but they shall not be authorized to contract for any work, or services, or property, to be performed or purchased, which shall not have been performed and paid for at or before the period shall have expired for which they shall have been elected.

Approved February 25, 1848.

CHAPTER 307.

AN ACT for the benefit of Davenport Jones, of Christian county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Davenport Jones, of the county of Christian, be and he is hereby authorized to sell and convey a certain lot of land on the waters of Little river, in said county, containing two acres, on which is situated an old Church; said lot of land was conveyed by John Clark to said Jones,

in trust, for the use and benefit of the Little River Reformed Church. A deed of conveyance, executed by said Jones, and acknowledged before the Clerk of said County Court, shall pass all the title now vested in said Jones to the purchaser. The proceeds of the sale hereby authorized, shall be a trust fund in the hands of said Jones for the use and benefit of the Liberty Church, in said county, the present assumed name of the aforesaid Church.

1848.

Approved February 25, 1848.

CHAPTER 308.

AN ACT to incorporate the Chesnut Street Presbyterian Church, of Louisville.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That Lewis Ruffner, A. P. Starbird, Willis Ranney, John Muir and John B. Semple, Trustees, be and they are hereby constituted a body politic and corporate, to be known by the name of "The Chesnut Street Presbyterian Church, of Louisville;" and by that name shall have perpetual succession, and a common seal; that said Trustees, and their successors, shall have power, on the death, resignation or removal of any member of their body, to fill the vacancy or vacancies, a majority of those remaining in office concurring; and should all of said Trustees, or their successors, at any one time, either by death, resignation, removal or otherwise, vacate their office, the members of said Church, and the pew owners, shall have power, under such rules and regulations as they may prescribe, to fill any such vacancies; and the members of said Church, and the pew owners, may, at the end of every two years, from and after the first Monday of January, 1848, elect a new body of five Trustees, who shall take the place and be clothed with the powers of the old Board.

Corporators
names, and cor-
porate powers.

SEC. 2. The said Trustees, for the time being, any three of whom being hereby constituted a quorum to do business, shall have full power to sell or rent the pews of said Church; to assess, from time to time, taxes on said pews, and may collect the same in the corporate name of said Church, in any Court, or before any Justice of the Peace in this Commonwealth, having jurisdiction of such like sums; they may make contracts in the name of said corporation, fix the salary of ministers or pastors of said Church, and such other officers of the said Church as they may find it necessary to appoint; the members of the Church, together with the pew owners, shall have power, nevertheless, at any time to alter or approve the salary allowed to any pastor or pastors of said Church. The said Trustees, or their successors, shall have full power to bind said corporation by any note, bond or obligation they may give, for

Pews may be
sold or rented.

May fix sala-
ries of ministers
and other offi-
cers.

Trustees may
bind the corpo-
ration by bond.

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and on account of any contract they may, *bona fide* make, for said Church: *Provided*, the same be agreed to, and signed by, all the Trustees then in office, and the corporate seal affixed.

May purchase
land.

SEC. 3. That the said Trustees, or their successors, may purchase a suitable lot or parcel of ground, not exceeding ten acres, for the erection of a house of worship, &c.; and shall hold the title for the use and benefit of said Church; and shall manage the Church property for the use and benefit of the society.

Appointment
of new Trustees
to be recorded.

SEC. 4. That whenever there shall be a new Trustee or Trustees appointed under the provisions of this act, such appointment shall be certified to the Clerk of the Jefferson County Court, and recorded by him in his office.

May pass by-
laws.

SEC. 5. Said Trustees may make by-laws for the management of said Church property, and its affairs, and their own government, not inconsistent with this act and the laws of the land.

May sue and
be sued, &c.

SEC. 6. The said Trustees, and their successors, by the name and style of "The Trustees of the Chesnut Street Presbyterian Church, of Louisville," may sue and be sued, implead and be impleaded, in any Court of law or equity in this Commonwealth.

Report of finan-
cial condition to
be made.

SEC. 7. The said Trustees, or their successors, shall, at least once every year, or oftener if required, report to the congregation of said Church the financial condition of said corporation.

Approved February 25, 1848.

CHAPTER 309.

AN ACT to amend an act, entitled, an act for the benefit of Nancy Pointer, approved February 25th, 1847.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That an act, entitled, "an act for the benefit of Nancy Pointer," approved February the 25th, 1847, be so amended as to permit Jephtha Hollingsworth, the Trustee in said act mentioned, to amend his bill, now pending in the Todd Circuit Court, filed by virtue of said act, so as to set out therein the balance of the estate of John G. Hollingsworth, deceased, in his hands, as the Trustee of the said Nancy Pointer and her children, as may be coming to them; and if, upon hearing of said cause, the Judge of the Todd Circuit Court shall deem it proper and beneficial for said Nancy and her children, he may decree and order said Trustee to pay the whole or part thereof to said Nancy, for herself and children, at such time and times as said Court may deem right; and for such payment or payments as said Trustee shall make under said decree, he shall have a credit as Trustee aforesaid; and if it shall appear to the Court that said Trustee has already furnished to said

Nancy and her children, any means of support, said Court may, in such decree as he may make, allow said Trustee a reasonable credit for the same. 1848.

Approved February 25, 1848.

CHAPTER 310.

AN ACT to legalize the election of the Trustees of the town of Owensboro'.

WHEREAS, doubts exist as to whether the Trustees of Owensboro' were legally elected at the election held for Trustees of said town in August last. Therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the election of the Trustees of the town of Owensboro', elected for said town in the month of August, 1847, and all the acts, by-laws and proceedings of said Trustees, since said election, shall be and they are hereby declared good and valid in law: *Provided*, that none of the acts, by-laws or proceedings of said Trustees are contrary to the laws of this State.

Approved February 25, 1848.

CHAPTER 311.

AN ACT to incorporate the Springfield, Perryville and Danville Turnpike Road Company.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That a Company shall be formed, under the name, style and title of the Springfield, Perryville and Danville Turnpike Road Company, for the purpose of forming and making an artificial road.

Name & style.

Sec. 2. *Be it further enacted*, That the capital stock of said Company shall be sixty thousand dollars, to be divided into shares of fifty dollars each; and if it shall be ascertained that the amount of capital stock is not sufficient to accomplish the object of this act, then the President and Directors may enlarge it to such amount as they may deem necessary, and open subscription therefor in such manner as they may think proper.

Capital stock.

May be increased.

Sec. 3. That books, for the subscription of stock in said Company, shall be opened on the third Monday in April next, or as soon thereafter as convenient, at the town of Danville, in Boyle county, under the direction of Charles Caldwell, William Batterton, John Barclay, George W. Doneghy, Abraham J. Caldwell, Charles Henderson and H. Goodloe; at the town of Perryville, in said county, under the direction of Jordan Peter, John A. Burton, Woodson Burton and Parker C. Latimer; and, at the town of Springfield, in Washington county, under the direction of

Books for subscription stock to be opened; when, where, & by whom.

1848.

Hugh McElroy, Henry Baker, John Kemberlin, Sr., Benoni Hardin, J. R. Wharton, Paul I. Booker, James Graves, Jesse Fox and William Davidson; and, at the town of Bardstown, under the direction of Charles Nourse, Baker Smith, Thomas Crozier, Benjamin Doom and J. Wood Wilson; and, at the city of Louisville, under the direction of James Guthrie, George W. Spratt, Joshua B. Bowles, Curran Pope, Levi Tyler, Isaac Everett, Virgil McKnight and William H. Pope, or some one or more of them at each place, who are appointed Commissioners. The said Commissioners, for each place, shall procure a book or books, and the subscribers to the stock of said Company shall enter into the following obligation in said book or books, to-wit: We, whose names are hereunto subscribed, promise to pay to the President, Directors and Company of the aforesaid Turnpike Road Company, the sum of fifty dollars for every share of stock in said Company, and agreeably to an act of the General Assembly of Kentucky incorporating said Company: Witness our hands this — day of —, eighteen hundred and forty eight. The said Commissioners, or a majority of them, shall give notice, in one or more of the newspapers printed in Kentucky, of the time and places of opening the books for the subscription of stock in said Company; and that they will continue open until the amount of capital stock shall be subscribed.

Obligation to be signed by subscribers.

Notice of opening books to be given.

Meeting of stockholders to be called to elect President & Directors.

Officers to take an oath.

Treasurer to be appointed, and other officers.

Treasurer to give bond.

SEC. 4. That, so soon as fifteen thousand dollars shall be subscribed, the said Commissioners or such of them as may act, shall, at such time and place as they may appoint, call a meeting of the stockholders, and hold an election for a President and six Directors, who shall hold their office for one year, and until others shall be elected and duly qualified. The said President and Directors shall, before they enter upon the duties of said office, take an oath before some Justice of the Peace, that they will faithfully perform the duties of President and Directors, (as the case may be,) without favor or affection, according to the best of their judgment. That, upon the qualification of the President and Directors, they shall appoint a Treasurer and such other officers as they may deem necessary, who shall hold their office for one year, and until others shall be appointed. The Treasurer of said Company shall, before he enters upon the duties of his office, give bond with two or more good securities, in such penalty as the President and Directors may direct, payable to the President and Directors of said Company, conditioned that he will faithfully discharge the duties of Treasurer, and that he will, when called on, pay the amount of moneys in his hands to the order of the President and Directors, and that he will perform the duties required of him by the by-laws of said Company.

SEC. 5. That, upon the election and qualification of the President and Directors, as aforesaid, they shall be a body

politic and corporate, in deed and in law, by the name and style of the Springfield, Perryville and Danville Turnpike Road Company; and by the said name the said Company shall have perpetual succession, and all the privileges and franchises incident to a corporation, and shall be capable of taking and holding their said capital stock, and the increase and profits thereof; and of purchasing, taking and holding, to them and their successors and assigns, and of selling, transferring and conveying, in fee simple, all such lands, tenements, hereditaments and real and personal estate, as much as shall be necessary to them in the prosecution of their work; to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, in courts of record or any other place whatever; also, to have a common seal, and to do all and every matter and thing which a body politic or corporate may lawfully do.

SEC. 6. That all the provisions, from the fifth to the thirty fifth section of an act, entitled, an act to incorporate the Danville and Hustonville Turnpike Company, approved March the 1st, 1844, except so far as already provided for in this act, or may come in collision with the same, and so far as the same are applicable to the objects and intent hereof, be and they are hereby adopted and enacted as part of this act.

Approved February 25, 1848.

1848.

Corporate power.

Provisions of Danville and Hustonville Turnpike charter adopted in part.

CHAPTER 312.

AN ACT to incorporate the Paris and Cynthiana Turnpike Road Company.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That a Company shall be formed, under the name and style of the "Paris and Cynthiana Turnpike Road Company," for the purpose of making a McAdamized road from the town of Paris, in Bourbon county, to the town of Cynthiana, in Harrison county; and the capital stock of said Company shall be fifty thousand dollars, to be divided into shares of one hundred dollars each.

Company formed, name & style, and object of corporation.

SEC. 2. That books, for the subscription of stock in said Company, shall be opened in the town of Paris, on the first Monday in April next, or as soon thereafter as convenient, under the direction of Henry C. Hart, Benjamin F. Rogers, Thomas K. Marsh and James Miller; and, in Cynthiana, on the same day, or as soon thereafter as convenient, under the direction of William Patten, William G. Hedges, Caleb Walton and Abraham Kellar, or by some two or more, at each place, who are hereby appointed Commissioners for that purpose; and said books shall be kept open as long as said Commissioners shall think proper so to do. The sub-

Books for subscription to be opened, when, where, and under whose direction.

1849.

Obligation to be signed by subscribers.

Notice to be given of time & places of opening books.

Meeting of the stockholders to be held, and for what purpose.

President, &c. to take oath.

Treasurer and other officers to be appointed.

Treasurer to give bond.

Location of road.

Trustees Paris and Cynthiana, and C'ty Courts, may take stock.

Provisions of charter of Danville and Hustonville Turnpike road adopted in part.

scribers to the stock in said Company, shall enter into the following obligation in said book or books: "We, whose names are hereunto subscribed, promise to pay to the President, Directors and Company of the Paris and Cynthiana Turnpike Road Company, the sum of one hundred dollars for every share of stock in said Company set opposite our names, and agreeably to an act of the General Assembly, incorporating said Company: Witness our hands this — day of —, 1848." Due and proper notice of the time and place of opening said books shall be given, by said Commissioners, in some newspaper which circulates in the towns of Paris and Cynthiana, and in the counties of Harrison and Bourbon, and in such other manner as they may think advisable.

SEC. 3. That, as soon as twenty five thousand dollars shall be subscribed, the said Commissioners, or such of them as may act, shall, at such time and place as they may appoint, call a meeting of the stockholders, and hold an election for President and six Directors, who shall hold their offices for one year, and until others shall be duly elected and qualified. The said President and Directors shall, before they enter upon the duties of said office, take an oath before some Justice of the Peace, that they will faithfully perform the duties of President and Directors, (as the case may be,) without favor or affection, according to the best of their judgment. That the President and Directors, upon being qualified, shall appoint a Treasurer, and such other officers as they shall deem necessary, who shall hold their offices for one year, and until their successors shall be appointed. The Treasurer shall give bond, with two or more good securities, in such penalty as the President and Directors may require, payable to the President and Directors of said Company, conditioned that he will faithfully discharge the duties of Treasurer; and that he will, when called on, pay the amount of moneys in his hands to the order of the President and Directors, and that he will perform the duties enjoined on him by the by-laws of said Company.

SEC. 4. That the President and Directors of said Company may locate said road on such route as may to them seem most advisable.

SEC. 5. That the Trustees of the towns of Cynthiana and Paris may, respectively, subscribe for stock in said Company; and the County Courts of Harrison and Bourbon may each subscribe for stock in said Company.

SEC. 6. That the provisions of an act, entitled, an act to incorporate the Danville and Hustonville Turnpike Road Company, approved March 1st, 1844, from the 5th to the 35th sections, inclusive, so far as the same may be applicable to, and not inconsistent with, this act, be and the same are hereby extended to the Paris and Cynthiana Turnpike Road Company, incorporated by this act.

SEC. 7. That no toll gate shall be erected nearer than one mile of the towns of Cynthiana and Paris.

1848.

Approved February 25, 1848.

CHAPTER 313.

AN ACT to incorporate the Paris and Comb's Ferry Turnpike Road Company.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That a Company shall be formed, under the name and style of the "Paris and Comb's Ferry Turnpike Road Company," for the purpose of making a McAdamized turnpike road from the town of Paris, in Bourbon county, to Comb's ferry, in Clarke county, by the way of Clintonville, Savory's store and Colbyville; but, if it shall be found that said route is impracticable, it shall be in the power of said Company to change said route; and said Company, by said name and style, may sue and be sued, plead and be impleaded, contract and be contracted with, and have and use a common seal, which they may alter, from time to time, as they may think proper. The capital stock of said Company shall be sixty thousand dollars, to be divided into shares of one hundred dollars each.

Company
formed.
Name & style.
Objects of corporation.

Corporate
powers.

Capital stock.

SEC. 2. That books, for the subscription of stock, shall be opened in the town of Paris, on the first Monday in April next, or as soon thereafter as convenient, under the direction of William C. Lyle, John King and Volney Bedford. In Clintonville, on the same day, or as soon thereafter as convenient, under the direction of Edmund H. Parish, Henry P. Butler, and Montgomery Hildreth; and, on the same day, or as soon thereafter as convenient, at Colbyville, under the direction of Hubbard M. Taylor, Armstead Blackwell and Edmund Hockaday; and, on the same day, or as soon thereafter as convenient, at Savory's store, under the direction of Henry Savory, Edmund Pendleton and Frank McDonald, or by any two of said persons, at each place, who are hereby appointed Commissioners for that purpose; and said books shall be kept open as long as said Commissioners shall think proper; and the subscribers to the stock in said Company, shall enter into the following obligation, in said book or books, viz: "We, whose names are hereunto subscribed, promise to pay to the President, Directors and Company of the Paris and Comb's Ferry Turnpike Road Company, the sum of one hundred dollars for every share of stock in said Company set opposite our names, and agreeably to an act of the General Assembly incorporating said Company: Witness our hands this — day of —, —. Due and proper notice of the time and place of opening said books shall be given, by said Commissioners, in some newspaper, or in such other manner as they may deem advisable.

Books for subscription stock
to be opened—
when, where &
by whom.

May be kept
open.

Obligation to
be signed by subscribers.

Notice of opening books to be
given.

1848.

Meeting of
stockholders to
elect President,
&c.

President, &c.,
to take oath.

Treasurer and
other officers to
be appointed.

Treasurer to
give bond.

Condition of
bond.

Charter Dan-
ville and Hus-
tonville Turn-
pike co. adopted
in part.

Toll gates.

C'ty Courts
may take stock.

SEC. 3. That, as soon as twenty thousand dollars shall be subscribed, the said Commissioners, or such of them as may act, shall, at such time and place as they may appoint, call a meeting of the stockholders and hold an election for President and six Directors, who shall hold their office for one year, and until their successors shall be elected and qualified. The said President and Directors shall, before they enter upon the duties of their office, take an oath before some Justice of the Peace, that they will faithfully perform the duties of President or Director, (as the case may be,) without favor or affection, according to the best of their ability; and the President and Directors, upon being qualified, shall appoint a Treasurer and such other officers as they shall deem necessary, who shall hold their offices for one year, and until their successors shall be appointed. The Treasurer shall give bond, with two or more securities, in such penalty as the President and Directors of said Company may require, payable to the President and Directors of said Company, conditioned that he will faithfully discharge the duties of Treasurer; and that he will, when called on, pay the amount of moneys in his hands to the order of the President and Directors; and that he will perform the duties required of him by the by-laws of said Company.

SEC. 4. That the provisions of an act, entitled, an act to incorporate the Danville and Hustonville Turnpike Road Company, approved March 1, 1844, from the 5th to the 35th sections, inclusive, so far as the same may be applicable, and not inconsistent with this act, be and the same are hereby extended to the Paris and Comb's Ferry Turnpike Road Company, incorporated by this act.

SEC. 5. That no toll gate shall be erected nearer than one mile of the town of Paris.

SEC. 6. That the County Courts of Bourbon and Clarke may subscribe stock to make said road.

Approved February 25, 1848.

CHAPTER 314.

AN ACT to allow additional Constables to Logan, Washington, Fleming and Pendleton counties.

Logan.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That there shall be an additional Constable allowed to the county of Logan, who shall reside in the neighborhood of Robert Harreld, Esq.

Washington.

SEC. 2. That an additional Constable be allowed to the county of Washington, who shall reside in the district that Richard Bond, Esq., now resides in, and within three miles of where said Bond now lives.

Fleming.

SEC. 3. That an additional Constable be and is hereby allowed to the county of Fleming, who may reside on the

East side of the East Fork of Fox's Creek, or on the waters of the North Fork of Triplett's Creek, in said county.

SEC. 4. That an additional Constable be allowed to the county of Pendleton, who may reside in the neighborhood of Henry Fugate, in said county.

Approved February 25, 1848.

1848.

Pendleton.

CHAPTER 316.

AN ACT to incorporate the German Roman Catholic Benefit Society, of Covington.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That H. Henry Kurre, Michael Affall, Henrick Hook, B. H. Hellman, Gerhard Walking, Johan Ch. Pioker, with their associates and successors, shall be and are hereby constituted a body corporate and politic, to be known by the name of "the German Roman Catholic Benefit Society, of Covington; and by that name shall have perpetual succession, and shall have power to make a common seal, and to alter or change the same at pleasure; may contract and be contracted with, sue and be sued, plead and be impleaded, before any court of judicature in this Commonwealth, having jurisdiction of like sums; and shall have power to take and hold, for purposes of supporting their sick members, or the widows and relatives of their deceased members, or the burial of their deceased members, or for any other legitimate purposes of their association, as set out in their constitution and by-laws, by gift, grant or devise, any estate, whether real or personal or mixed, not exceeding, in value, the sum of ten thousand dollars; and said association, a majority concurring, shall have power to sell and convey said estate, or any part thereof, for the use and benefit of said society, and execute, by their President, appropriate deeds therefor.

Corporators
names.

Name, style,
and corporate
powers.

SEC. 2. That the officers of the German Roman Catholic Benefit Society, of Covington, shall consist of a President, Vice President, two Secretaries, a Treasurer, and such standing committees as may be established by their by-laws; which officers shall be annually elected on the first Monday in January, of each year, except the present, and on the same day in every year thereafter, by said Society; which said officers, upon their election, shall, upon the first Monday in February, enter upon the discharge of the duties prescribed to them by the members of said Society; and that said officers, before named, shall hold their offices for one year, and until their successors are chosen. That, for the present year of eighteen hundred and forty eight, the election of officers of this association shall take place at such time and place as may be agreed upon and designated by a majority of said association; and the officers, thus

Officers to be
appointed.

When to be
elected.

Duties, and
term of office.

1848.

Rules and by-laws may be made.

Treasurer may be required to give bond.

Society shall cease to exist on certain conditions, and property disposed of.

This act may be altered, &c.

elected, shall hold their offices until a new election takes place and their successors are installed.

Sec. 3. That the members of the German Roman Catholic Benefit Society, of Covington, shall, also, have power and authority to ordain and establish such by-laws, rules and regulations for their government, as they may deem proper and just, which are not inconsistent with the constitution of the United States or the constitution and laws of this Commonwealth. They may also appoint such other subordinate officers and committees as they may deem proper for the government of said Society; and may require from their Treasurer a bond, with security in any penalty they may fix, for a faithful discharge of his office, and the safety of the money which shall come to his hands, as Treasurer of said Society.

Sec. 4. That should the members of said association be reduced to four, that the German Roman Catholic Benefit Society, of Covington, shall cease to exist, and that all the property, real, personal or mixed, then belonging to the Society, shall be, by the Treasurer, handed over to the German Roman Catholic Church, of Covington, who are to retain it until another society, having objects similar to this, shall be formed; and in that event, the funds and property, so received, are to be handed over, by said Church, to such new society; but if no new society is formed, then said property or money is to vest in said Church: *Provided, however,* that said new society is to have the same name as this, and to be formed within ten years after the dissolution of this: *And provided further,* that the General Assembly may, at any time, alter, change or modify this charter.

Approved February 25, 1848.

CHAPTER 317.

AN ACT to incorporate the Paris, Winchester and Kentucky River Turnpike Road Company, and the North Middletown Turnpike Road Company, and for other purposes.

Company formed.

Name and style, & objects of its formation.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That there be and there is hereby formed, a body politic and corporate, under the name, style and title of the "Paris, Winchester and Kentucky River Turnpike Road Company," for the object and purpose of constructing a McAdamized Road from the town of Paris to the town of Winchester, and thence to some point, to be selected by the Directory of said Company, upon the Kentucky River.

Capital stock.

Sec. 2. *Be it further enacted,* That the capital stock of said Company shall be one hundred thousand dollars, to be subscribed in shares of one hundred dollars each.

SEC. 3. *Be it further enacted,* That the books, for the subscription of stock in said Company, shall be opened on the 1st Monday in February next, in the town of Paris, under the direction of Henry Clay, Jr., Brutus J. Clay, and Garrett Davis; and, on the same day, in the town of Winchester, under the direction of Ben. P. Gay, Henry G. Poston, Ch. Eginton and D. T. Haggard, or some one or more of them at each place, who are hereby appointed Commissioners for that purpose. The said Commissioners or Commissioner shall procure suitable books, and therein the subscribers for stock in said Company shall enter into the following obligation, to wit: "We, whose names are hereunto subscribed, do promise to pay to the President, Directors and Company of the Paris, Winchester and Kentucky River Turnpike Road Company, one hundred dollars for every share of stock in said Company, set opposite to our names, in such manner and proportion, and at such times as shall be required by the President and Directors of said Company, and agreeably to the act of the General Assembly of Kentucky incorporating said Company."

SEC. 4. *Be it further enacted,* That, until said road shall have been completed, the capital stock subscribed in the county of Bourbon, and the construction of the section of the road within that county, and the management of all the concerns and business of the Company, within that county, shall be controlled, directed and managed by a President and four Directors, to be elected by the shareholders residing in the county of Bourbon; in like manner the capital stock subscribed in the said county of Clarke, and the construction of the section of the road within that county, and the management of all the concerns and business of the company, within that county, shall be controlled, directed and managed by a President and four Directors, to be elected by the shareholders residing within the county of Clarke. And, upon the completion of the said road from Paris to Winchester, the shareholders in said Company shall meet at the house of Daniel Thatcher, and elect a President and seven Directors, who shall then have the entire and exclusive control and direction of all the concerns and business of said Company; and upon the organization of this general Board of Directors, the respective Boards for the county of Bourbon and county of Clarke shall cease and be dissolved. But, until said general Board of Directors is organized, the Boards aforesaid, for the counties of Bourbon and Clarke, shall be fully invested with, and shall exercise, every power, right and privilege within, and appropriate to, their respective counties, which a common Board for the Company might, or would be invested with, and could lawfully exercise. The Commissioners aforesaid shall make public advertisement of the time and place of opening the subscription books, and hold them

1848.

Books to be opened for subscription of stock; when, where, and by whom.

Obligation to be signed by subscribers.

Stock subscribed in Bourbon to be applied to constructing the road in Bourbon under direction of President & Directors for Bourbon.

Stock in Clarke to be applied to road in Clarke by the Board for Clarke.

When road is completed, general Board to be elected.

Time & place of opening the books to be advertised.

1848.

open for forty days, unless the capital stock be all taken before the expiration of that period.

President and Directors, when and how to be elected.

To take oath.

Treasurer to be appointed.

To give bond: penalty and condition thereof.

Local Board to be elected annually.

Boards to be independent corporations.

Name, style, and corporate powers.

SEC. 5. *Be it further enacted*, That so soon as one hundred shares of capital stock shall be subscribed in either or each of the counties of Bourbon and Clarke, the Commissioners aforesaid, for each or either of the said counties, shall publicly advertise a meeting of the stockholders of said counties, respectively, who shall, in pursuance thereof, convene and elect a President and four Directors from among the stockholders, to act for their respective counties for one year, or until their successors be duly elected and qualified; each stockholder to have one vote for each share of stock which he may hold, under six shares; two votes for each share between six and ten, inclusive; and one vote for all shares above ten. The said President and Directors shall, before they enter upon the performance of their duties, take an oath before some Justice of the Peace, that they will faithfully perform the duties of President or Directors, (as the case may be,) without favor or affection, and to the best of their judgment. And, upon the qualification of both, or either of said Boards of Directors, as aforesaid, they shall appoint a Treasurer and such other officers as they may deem necessary, who shall hold their office for one year, and until their successors be appointed. The Treasurer of said Boards shall, before he enters upon the duties of his office, give bond with one or more good securities, in the penalty of five thousand dollars, payable to the President and Directors for said counties respectively, conditioned that he will faithfully discharge the duties of Treasurer of said Board, and that he will, when called on, pay the amount of money in his hands to the order of the President and Directors of his respective Boards; and that he will, in all respects, perform the duties required of him by the by-laws of said Board. And the said President and Directors, for both or either of said counties of Bourbon or Clarke, shall be annually elected by meetings of the stockholders of the counties respectively, to be held after public advertisement; and the Treasurer and other officers of each Board shall be annually appointed by said Boards respectively, until they shall be superseded by the election of a common Board of Directory for the Company, as herein before provided for.

SEC. 6. *Be it further enacted*, That, upon the election and qualification of the President and Directors of the Boards aforesaid, for both or either of said counties, they shall separately, distinctly, and independently, constitute bodies politic and corporate, in deed and in law, each having power to do and perform its respective business and transactions of every description, by the name, style and title of the "Paris, Winchester and Kentucky River Turnpike Road Company;" and which said corporate existence and name

1848.

shall comprehend and continue for the stockholders generally of such road, when the same shall have been completed from Paris to Winchester, and a common President and Directors shall have been elected by the stockholders. And, by the said name, the said Company shall have perpetual succession, and all the rights, privileges and franchises incident to such a corporation; and shall be capable of taking and holding their capital stock, and the increase and profits thereof; and of purchasing, taking and holding, to them and their successors and assigns, and of selling, transferring and conveying, in fee simple, all such lands, tenements, hereditaments and estate, real and personal, as shall be necessary to them in the prosecution of their work; and to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, in all proper courts of record, or any other place whatever; and, also, to have a common seal, and to do all and every other matter or thing within the object and scope of their incorporation, which a body politic or corporate may lawfully do.

SEC. 7. *Be it further enacted*, That the President and Directors of the Boards respectively, for the counties of Bourbon and Clarke, or the President and Directors of the stockholders at large, may call on the subscribers of stock for any portion of their subscriptions, not exceeding one-sixth of the total amount at a time, nor in shorter periods than six months, beginning with one call, until the whole shall have been paid. And if it shall be ascertained that the amount of capital before-named, is not sufficient to accomplish the full purpose of this act, the President and Directors of both Boards, for the counties of Bourbon and Clarke, or a majority of each, by their concurrent resolve, or if they are superseded, the Presidents and Directors for the stockholders at large, may increase the amount of capital stock to such sum as they shall judge sufficient to complete the road from the extreme points of termination; and may, according to their discretion, open books for the subscription of such amount of additional capital stock as they shall direct.

SEC. 8. *Be it further enacted*, That, after the first election of the President and Directors of the Boards for Bourbon and Clarke, and for the stockholders at large, each Board shall be respectively elected on the first Monday in April, at such places as may be appointed by each Board respectively; and, before the stockholders convened for such election, each President shall lay a general expose of the situation of affairs of the Company, coming within the respective direction and government of each Board, and also the record of their proceedings for the preceding year.

SEC. 9. *Be it further enacted*, That the President and Directors first chosen, for the counties of Bourbon and Clarke aforesaid, shall deliver a certificate, signed by the President,

Calls on stock.

Capital may be increased.

When annual elections to be held.

Statement of condition to be submitted.

Certificates of stock to be issued, & may be transferred.

1848:

Certificates to
be surrendered
when general
Board is formed,
and new ones is-
sued.

and countersigned by the Treasurer of the Boards respectively, to each stockholder, for the shares by him held; which certificate shall be transferable on the books of said Board, according to the order, in person, or by attorney in facts of such stockholder; but no share shall be transferred until all calls or arrearages thereon are paid. On the transfer of any share, the original or existing certificate shall be surrendered, and a new one be issued in the name of the purchaser thereof, who shall, thereupon, become one of the corporators, and be entitled to all the rights, privileges and benefits of the corporators generally. And when the county Boards of Directors shall have been superceded by a President and Directors for the stockholders at large, all existing certificates of stock shall be surrendered to the general Board, and, in lieu thereof, certificates shall be issued to each shareholder, having been first signed by the President and countersigned by the Treasurer, for the general Board, and having the corporate seal of the Company attached to each certificate.

Meetings may
be called.

SEC. 10. *Be it further enacted*, That the President of each Board of Directors may call meetings of his Board at such times and places as he may think proper; and a majority of all the Directors of each Board shall be necessary for the transaction of business. Each Board shall keep a record of its proceedings, to be entered in a book to be provided for that purpose; and each days proceedings shall be signed by the stated, or *pro tem*, President, and each Board may adjourn, from time to time, as it may think proper.

Record to be
kept.

Surveyors, En-
gineers, &c., to
be appointed.

SEC. 11. *Be it further enacted*, That the President and Directors of each Board shall have power and authority to agree with, and to appoint all such surveyors, engineers, superintendents, artists and officers, as they shall judge necessary, to act within the authority of the Board making such appointment, and to fix the pay and salaries thereof; to prescribe the time, manner and proportions in which the stockholders shall make payments on their respective shares, subject to the conditions hereinbefore prescribed; to draw orders on their Treasurer for all moneys necessary to pay the salaries or wages of persons employed, for materials or labor furnished; and to do all other matters and things, as by this charter or by the by-laws under it, they shall have the power or competence to do.

Payments on
stock.

Notice of calls
to be given.

Stockholders
may be sued for
calls.

SEC. 12. *Be it further enacted*, That the President of the appropriate Board shall give thirty days public notice of the amount of the call on each share of stock, and of the time of payment. And if any stockholder shall refuse or neglect to pay his proportion of the stock for the space of thirty days after the time appointed for the payment thereof, every such stockholder shall be subject to suit, by warrant before a Justice of the Peace, or in the Circuit Court, for the amount or amounts so called, and shall have judgment

entered against him for the same, together with interest upon it, from the time it should have been paid, at 10 per centum. per annum until paid. And, in the event of the said corporation failing to make any portion of any share of its stock, the whole amount which shall have been paid thereon shall be forfeited to the Company and passed to the general item of profits.

SEC. 13. *Be it further enacted*, That the said road shall be located between Paris and Winchester on the site of the present public road between those points, and shall be laid out and graded as the directory of each county shall order, the grade not to exceed four degrees in height; and the land occupied by the present public road from Paris to Winchester, and all materials thereon and therein, are hereby transferred and appropriated to the use of said Company, as fully and effectually as by law it can be done; nor shall the course and location of said turnpike road depart or be varied from the present site of the public road between Paris and Winchester, except by the mutual consent and determination of the appropriate Board of Directors, and the owner or owners of the land on which the change might locate the said road; and the President and Directors of the appropriate Board, their surveyors, engineers and other agents, are hereby authorized to occupy the present road from Paris to Winchester, for all purposes necessary to the construction of said McAdamized road, making a reasonable provision for the ordinary travel thereon; and also to enter upon any lands and enclosures contiguous thereto, to examine any lands, quarries of stone, or other material, necessary for the construction or use of said road; and where the use of any quarry, or any stone, or other material, (and shall not be within two hundred yards of any persons' residence,) shall be necessary in the construction, and for the use of said road, and the appropriate Board of Directors, and the owner of said land, quarry, stone or material, cannot agree upon the price which shall be paid by the Company for the same, application shall be made, on the behalf of the Company, to the County Court of the county in which said land, quarry, stone, or other material may be situated, for a jury to assess the value of the same; and, after the return and confirmation, by the proper Court, of the inquest made by such jury, said Company shall make payment of, or tender the value of any land, quarry, stone, or other material, and shall, thereupon, proceed to occupy, take, appropriate, and use the same, in the construction of, and for the use of said road; and all persons employed in the construction of said road, with wagons, carts and all other necessary implements, shall have free ingress and egress to and from said quarries, stone, and other material, for the purpose aforesaid. The Directors having power to agree

1848.

Forfeiture of stock.

Location of road, and grade.

Present road may be occupied.

May enter on lands adjacent, and for what purpose.

Lands for materials may be condemned.

1849.

with the owner of any quarry for a common use of the same.

Gates may be erected; when, and upon what conditions.

SEC. 14. *Be it further enacted*, That when any continuous section of five miles of said road shall have been completed, the President and Directors of the Board of the county in which such sections may be situated, shall apply to any three Justices of the Peace of said county, and it shall be the duty of such Justices to examine said section of the road, and if the same is constructed according to this charter, to certify the same, and return said certificate to the County Court thereof for recordal, and on said certificate being signed by said Justices, it shall be lawful for the President and Directors of the appropriate Board to erect a toll gate upon such section of the road, and to collect, for all travel and transit through it, toll, according to the rates hereinafter established. But there shall be, at no time, exceeding three gates erected between Paris and Winchester, and two between Winchester and the Kentucky river.

Number of gates.

Toll-gatherers to be appointed; their powers & duties.

SEC. 15. *Be it further enacted*, That, so soon as any gate or gates shall be erected on said road, it shall and may be lawful for the President and Directors of the appropriate Board to appoint such, and so many toll gatherers as they may think proper, to collect of, and receive from, all and every person or persons using said road, the tolls and rates hereinafter mentioned, and to stop any person riding, driving, or leading any horse or mule, or driving any cattle, hogs, sheep, sulkey, chair, chaise, phaeton, buggy, pleasure carriage, cart, wagon, or other carriage, or vehicle of any description, from passing through the said gate, or along the turnpike until they shall have paid toll according to these rates, viz: for every twenty head of sheep, hogs or other small stock, five cents; for every ten head of cattle, five cents; for every horse, ass, mule, or other four footed animal of the larger kind, except cattle, four cents; for every two wheel pleasure carriage, including the beasts by which it is drawn, and the persons in it, ten cents; for every buggy, including the beasts by which it is drawn, and the persons in it, ten cents; for every pleasure carriage, inclusive as aforesaid, twenty cents; for every cart, ten cents; for every wagon or other four wheel carriage of burthen, whose wheels do not exceed four inches in width, thirty cents; and for every such wagon or carriage of burthen, whose wheels shall exceed four inches in width, twenty-five cents; all to include the beasts by which they are drawn, and the persons transported in them, except passenger coaches and carriages, and for them, two cents in addition, for each person, exclusive of the driver: *Provided*, That no toll shall be demanded from any person going to or from mill on horseback, from one part of his farm to another, to or from a funeral, a militia muster, court martial, public election, or religious service in the neighborhood.

Rates of toll.

Exemptions from toll.

SEC. 16. *Be it further enacted,* That if any person or persons, liable to pay as aforesaid, at either of the gates erected in pursuance of the aforesaid provisions, shall, with an intent to defraud the Company aforesaid, pass through any private gate or bars, or along or over any grounds or lands near to, or adjoining any gate or portion of the turnpike, or, with the intent aforesaid, shall take off any horse or other beast or carriage of draft, burthen or pleasure, or shall practice any other fraudulent device, with the intent to lessen or evade the payment of any such toll or duty, such person, so offending, shall, for every such offence, respectively forfeit and pay, to the President and Directors, the sum of five dollars, recoverable before a Justice of the Peace in like manner as other debts of equal amount, in the name of the President, Directors and Company aforesaid.

SEC. 17. *Be it further enacted,* That if, at any time, the said road shall be out of repair for the space of ten days, it shall and may be lawful for any person to call on two Justices of the Peace in the county in which any part of said road may be out of repair, and if, upon inspecting the same, and receiving proof that it had been out of repair for ten days, the said Justices shall, by their order, in writing, delivered to the Treasurer of said Company, or in case of his absence, to the President thereof, direct that no toll or charge shall be received on said road until the same shall be repaired and put in good order; and if any toll shall be demanded, or taken, after the delivery of said order, the said Company shall forfeit and pay the sum of five dollars for each and every offence of so receiving toll, to be recovered as other debts of like amount, and upon service of process upon the acting President of said Company: *Provided,* there shall have been sufficient time to inform the gate keepers of said order; and upon the said road being repaired, the President and Directors shall call two Justices of the Peace to examine the same, and if they shall be of opinion that said road is in good order, they shall certify the same, and direct that toll shall be demanded and taken at the gate or gates, agreeably to the provisions of this act.

SEC. 18. *Be it further enacted,* That the President and Directors shall keep a fair and just account of all moneys which shall be received by them from the subscribers of the stock of said Company; also, of all moneys by them expended in the prosecution of said work; and all costs, charges and expenses of said road, shall be paid and discharged, and the aggregate amount, when ascertained, shall be entered on the books of the Treasurer. The President and Directors shall, at the end of every six months after the said road shall be completed, make a dividend of the clear profits, and pay the same to the stockholders. The dividends shall be declared on the first day of April and the first

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Penalty for evading the payment of toll, & how recovered.

Road may be declared out of repair, by whom, at the instance of any person, and no toll to be charged until repaired

Penalty for demanding toll when road is out of repair.

Road to be examined when repaired.

Account of receipts and disbursements to be kept.

Dividends to be made; when, and how often.

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Tolls may be increased until 6 per cent. is realized.

Net profits not to exceed 6 per cent.

Manner in which carriages shall pass each other, and penalty for failure or refusal to observe.

Penalty on toll gatherer for exacting more than allowed by rates and how recovered.

Gate keepers to give bond.

Gates to be erected.

day of October, of each year. And should the nett profits be less than six per cent. upon the capital of said Company, the President and Directors may, after the expiration of one year from the completion of said road, increase the tolls to such sums as amount to six per cent upon the capital invested in making said road: *Provided*, that such increase shall, after each half yearly dividend in which more than six per cent per annum shall have been ascertained for profits, be diminished, so as to make the nett profits not exceed six per cent. per annum, until the tolls shall be reduced to the ratio fixed by the 15th section; after which they shall remain as therein provided: *And, provided*, that the nett profits or tolls shall never exceed six per cent. on the capital vested in said road; and the Legislature shall have power to provide for reducing them to that sum. The President and Directors shall cause printed lists of the rates of toll, which they may lawfully demand, to be affixed on or near to the gate or gates across said road.

SEC. 19. *Be it further enacted*, That all wheel carriages using said road, shall, in passing other wheel carriages, keep on the right hand side, leaving the other side free and clear for wheel carriages to pass and re-pass, except when overtaking or passing a carriage of slower draft. And every carter, wagoner, or driver, offending against this provision, shall pay to any person sueing for the same, the sum of five dollars, and also all damages any person may sustain, recoverable before a Justice of the Peace of the appropriate county.

SEC. 20. *Be it further enacted*, That if any toll gatherer on said road shall demand, or receive, from any person or persons using said road, any greater rate of toll than is allowed and authorized by this act, such toll gatherer shall forfeit and pay, for every such offence, the sum of five dollars, recoverable by any person who shall sue for the same, before any Justice of the Peace, as other debts of like amount. That no suit to recover the penalties, under the provisions of this act, shall be maintained or prosecuted, unless the same shall have been commenced within six months after the offence was committed.

SEC. 21. *Be it further enacted*, That the President and Directors shall take bonds, with good security, from the gate keepers and other persons employed by them, for the faithful discharge of their duties, to them respectively assigned; which bonds they may cause to be renewed whenever they may deem it necessary; and they shall be payable to the President, Directors and Company as aforesaid.

SEC. 22. *Be it further enacted*, That, as each section of five miles of said road shall be completed, it shall and may be lawful for the Board of Directors having jurisdiction over such section, to erect a gate upon said section, and

charge and collect tolls thereat, according to the provisions of this charter.

SEC. 23. *Be it further enacted*, That all laws relating to the obstructions on the Maysville, Washington, Paris and Lexington Turnpike Road, and all laws providing for the protection and preservation of said road, and all bridges and property of every description belonging or attached to it, and all laws preventing and punishing offences for any act or acts relating to said road, or any property or appendage of it, shall be and the same are hereby declared, so far as they are applicable, to be and they are hereby made a part of this charter.

SEC. 24. *Be it further enacted*, That the County Courts of Bourbon and Clarke counties, and the Trustees of the towns of Paris and Winchester may, for their respective counties and towns, take and subscribe stock in said road Company; and the said County Courts and Trustees of the towns aforesaid may, and they are hereby authorized and empowered, respectively, to assess the amounts of the stock which they may so subscribe, upon all property and estate subject to the payment of State revenue, within their respective limits: *Provided*, that any property or estate, within either of said towns, so subjected to be taxed by the Trustees of said town, shall be exempt from assessment, to pay the subscription by the County Court.

SEC. 25. *Be it further enacted*, That the subscription of individual stock in the said Paris, Winchester and Kentucky River Turnpike Road Company, shall continue within the several road precincts as they may be organized and laid off at the time of their respective subscriptions; nor shall they, or any of them, be arranged into other road precincts so long as they continue to reside within the limits of those then existing.

SEC. 26. *Be it further enacted*, That there be, and is hereby formed, a body politic and corporate, under the name, style and title of "The North Middletown Turnpike Road Company," for the object and purpose of McAdamizing a road from North Middletown, to intersect the turnpike road as established between Paris and Winchester, at or near Stoney Point meeting house. The capital stock of said Company shall be twenty thousand dollars, to be divided into shares of one hundred dollars each. Books, for the subscription of stock in said Company, shall be opened in the town of Northern Middletown, under the direction of Preston J. Timmons, Absalom Adams, and John J. Anderson. Whenever ten thousand dollars of stock shall have been subscribed, the subscribers shall convene and elect a President and four Directors, who shall have the government, control and direction of all the business and concerns of said Company, which shall then have legal and corporate existence. The President and Directors of said Com-

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All laws relating to Maysville road, for preventing obstructions, &c., made applicable to this road.

Bourbon and Clarke C'ty C'ts and the Trustees of Paris & Winchester may subscribe stock, & levy taxes to pay for it.

Individual subscriptions in precincts arranged.

North Middletown Turnpike Co. established.

Capital stock.

Books for subscription stock to be opened; when, where, & by whom.

President, &c., to be elected.

1848:

Powers Paris, Winchester and Ky. River Turnpike Co. extended to this Company so far as applicable.

Toll gates may be erected.

Richmond & Lancaster Turnpike Co. formed; its objects.

Capital stock.

Books to be opened; when, where, and by whom.

Manner of constructing road.

President, &c. to be elected.

pany shall proceed to let, and have located and constructed, said road, and to do and direct every thing properly appertaining to the same. All the provisions, rights, powers and privileges, embodied in, or granted by, the charter of the Paris, Winchester and Kentucky River Turnpike Road Company, so far as they may be applicable, shall form and constitute a part of the charter of the "North Middletown Turnpike Road Company." And when the latter road shall have been completed, and the completion thereof properly evidenced, said Company may erect thereon a turnpike gate, where such charges and tolls may be collected as are authorized in the charter of the Paris, Winchester and Kentucky River Turnpike Road Company.

Sec. 27. *Be it further enacted*, That there be, and is hereby formed, a body politic and corporate, under the name and style of the Richmond and Lancaster Turnpike Road Company, for the purpose of making a road from Richmond, in Madison county, to Lancaster, in Garrard county, crossing Silver creek, in Madison county, not lower down than Barnett Moran's mill and Paint Lick creek, (the boundary between the two counties,) at, or near the residence of the widow Denny, in Garrard county, and to pass within one mile of the Paint Lick Presbyterian meeting house, in Garrard county. The capital stock of said Company shall not exceed one hundred thousand dollars, to be divided into shares of one hundred, or fifty dollars each, at the discretion of the Commissioners. Books, for the subscription of stock in said Company, shall be opened on the first Monday in March next, and at such other times and places as the Commissioners may direct, in Richmond, under the direction of William Harris, James Blythe, William Moran, J. H. Miller and Joseph Terry, or some one or more of them; and, on the same day, in Lancaster, under the direction of G. J. Salter, John Walker, A. R. McKee, Wm. Woods and J. S. Pierce, or some one or more of them, who are hereby appointed Commissioners for that purpose.

Sec. 28. That said road may be paved with rock, gravel, plank or charcoal, at the discretion of the President and Managers, in part or in whole, as they may deem expedient. Whenever twenty thousand dollars of the stock shall have been subscribed, the subscribers shall convene and elect a President and four Directors for the county of Madison, and a President and four Directors for Garrard county, who shall have the government, control and direction of all the business and concerns of said Company, which shall then have legal and corporate existence. The President and Directors, in each county, shall proceed to let, and have located and constructed, said road, and to direct every thing appertaining to the same in their respective counties; and the conditions, provisions, rights and immunities, given in the foregoing sections, to the Paris,

Winchester and Kentucky River Turnpike Road, are hereby given to the President and Directors of the Richmond and Lancaster Turnpike Road Company.

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SEC. 29. *Be it further enacted*, That there is hereby formed, a body politic and corporate by the name and style of the Mount Vernon and Paint Lick Turnpike Road Company, for the purpose of making a road from Mount Vernon, in the county of Rockcastle, to intersect the road from Richmond to Lancaster, at or within one mile of the Paint Lick Meeting House, in Garrard county. The capital stock of said Company shall not exceed eighty thousand dollars, to be divided into shares of one hundred, or fifty dollars, at the discretion of the Commissioners. Books, for the subscription of stock in said Company, shall be opened on the third Monday in March next, in Mount Vernon, under the direction of Wm. B. Moore, Humphrey Bates, James C. Jones, H. T. Terrell and David Ross, or some one or more of them, who are hereby appointed Commissioners for that purpose, and at such times and places thereafter as the Commissioners may deem politic.

Mt. Vernon & Paint Lick Co. formed.

Objects of corporation.

Capital stock.

Books to be opened; when, where, and by whom.

SEC. 30. Said road may be paved with rock, gravel, plank or charcoal, at the discretion of the President and Directors, in part or in whole, as they may deem expedient. Whenever fifteen thousand dollars of stock shall have been subscribed, the subscribers shall convene and elect a President and four Directors, who shall have the government, control and direction of all the business and concerns of said Company, which shall then have legal and corporate existence. The President and Directors shall proceed to let, and have located and constructed, said road, and to do and direct every thing appertaining to the same.

Manner in which road may be made.

President, &c., to be elected.

SEC. 31. That all and every provision, power, right, privilege and immunity, granted to the Paris, Winchester and Kentucky River Turnpike Road Company, so far as applicable, by the foregoing sections of this act, shall form, and are hereby made part of the charter of the Mount Vernon and Paint Lick Turnpike Road Company.

Provisions of charter to Paris, Winchester and Ky. River Turnpike Co. adopted.

Approved February 25, 1848.

CHAPTER 318.

AN ACT to divorce Mary Perkins.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the marriage contract heretofore existing between Mary Perkins and James Perkins, be and the same is hereby dissolved, so far as respects the said Mary, who is hereby restored to all the rights and privileges of an unmarried woman.

Approved February 25, 1848.

1848.

CHAPTER 319.

AN ACT for the benefit of Price Snyder, of Simpson county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be lawful for Price Snyder to bring into this State, a slave named Gabriel, without incurring the penalty of the law: *Provided,* said Snyder shall file his affidavit in the office of the Clerk of Simpson County Court, stating that said slave is for his own use, and not for merchandize.

Approved February 25, 1848.

CHAPTER 320.

AN ACT authorizing the County Court of Mason county to sell and convey certain public property in the said county, and for other purposes.

May sell and convey to Trustees of Washington, court house, lot and Clerk's offices, for use of common schools

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the Mason County Court be and they are hereby authorized and empowered to grant and convey, to the Trustees of the town of Washington, all the right and interest of said County Court, and county of Mason in, and control over, the lot of ground in said town, on which the public buildings are, to-wit: the old Court House and Clerk's offices are situated; which grant and conveyance shall, if made, be for the sole purpose and use of a public school or seminary of learning, under the control of said Trustees; and said conveyance shall only be made with the concurrence of a majority of the Justices of said county.

Acts of Bronough & Owens to be settled and paid.

SEC. 2. That said County Court shall, previously to making such conveyance, settle the accounts of David Bronough and Conquest Owens, for money expended by them in repairing said Court House, and ascertain the amount thus expended, over and above the sums subscribed by the said Bronough, and others, for the purpose of said repairs; and the excess, thus expended, shall be paid by said Trustees; and said Bronough and Owens have a lien on said buildings therefor until paid.

Jail lot, Jail-er's house and jail may be sold.

SEC. 3. That said court shall be, and they are hereby authorized to sell and convey, at such time as they may deem best, the jail, and jailer's house, and lot on which they stand, in said town of Washington, and apply the proceeds of such sale in aid of the county levy, for county purposes.

Return of process issued from Mason Circuit Court regulated.

SEC. 4. That all writs and process which have heretofore been issued, returnable to the May term of the Circuit Court of Mason county, "at the Court House in Washington," shall be returned to said term, at the Court House in Maysville, and the causes docketed, and further proceedings had thereon, as if the said writs or process had been returnable at the Court House in Maysville; and all writs issued hereaf-

ter, by the Clerk of the Mason Circuit Court, shall be made returnable at the Court House in Maysville.

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Approved February 25, 1848.

CHAPTER 321.

AN ACT for the benefit of Garnett A. Dowell.

WHEREAS, it is represented, that Hiram Beauchamp, who was charged with horse stealing, in the county of Russell, was severely wounded by the officer in apprehending him; and that said Beauchamp was placed at the house of one Garnett A. Dowell, there to be kept and guarded until he could so far recover from his wounds to be removed to jail; and said Dowell boarded, nursed and guarded him about forty or forty five days. Therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be lawful for the Judge of the Russell Circuit Court to hear the testimony in relation to the account of said Dowell, and certify the amount he may adjudge the said Dowell entitled to; which claim, thus certified, shall be paid as other claims allowed by Circuit Courts are paid.

Approved February 25, 1848.

CHAPTER 322.

AN ACT to change a part of the State Road in Kenton county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Kenton County Court be and are hereby authorized to change so much of the State road, in said county, running through the lands of A. Wilson, as they may deem proper, with the consent of said Wilson first obtained for said change.

Approved February 25, 1848.

CHAPTER 325.

AN ACT for the benefit of James Dewitt, Benjamin Riddle and Isaac Chinoweth.

WHEREAS, it appears from the report of the President and Treasurer of the Elizabethtown and Bell's Tavern Turnpike Road Company, made to the Board of Internal Improvement, on the 26th of April, 1844, that there is now due, from the State of Kentucky to Isaac Chinoweth, the sum of thirty three dollars thirty three cents; to Benjamin Riddle, the like sum; and to James Dewitt the sum of sixteen dollars sixty seven cents, being the State's portion of the indebtedness of said Company to said individuals;

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Allowance to
Chinoweth.

To Riddle.

To Dewitt.

and the Board of Internal Improvement has no means with which to pay said debts. Therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That, upon the requisition of the Board of Internal Improvement, the Second Auditor of Public Accounts be, and he is hereby directed to draw his warrant on the Treasurer, in favor of Isaac Chinoweth for the sum of thirty three dollars, thirty three cents; in favor of Benjamin Riddle for the sum of thirty three dollars and thirty three cents; and in favor of James Dewitt for the sum of sixteen dollars and sixty seven cents, to be paid out of any moneys in the Treasury not otherwise appropriated.

Approved February 25, 1848.

CHAPTER 327.

AN ACT to amend an act, entitled, an act to incorporate the Lexington Gas Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the shares in the Lexington Gas Company shall be fifty dollars each, instead of one hundred dollars; and that the 5th section of said act be so amended as to give to said Company, and not the City Council, the power to direct to what extent, and to what portions of the city the gas shall be supplied; and to give all the powers vested in said City Council, by said 5th section, to the said Gas Company.

Approved February 25, 1848.

CHAPTER 328.

AN ACT to incorporate the Odd Fellows Hall, of Newport, Kentucky.

Corporators
names.Corporate pow-
ers.May make by-
laws, &c.May sue and
be sued, &c.

SEC. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That J. W. Woodworth, J. Hawthorn, P. H. Wilson, N. B. Shaler, J. J. Simmons, and their associates, of the town of Newport, Campbell county, Kentucky, and their regular successors, be and they are hereby created a body politic and corporate, by the name and style of the Odd Fellows Hall, of Newport, Kentucky; and by that name are hereby vested with full power and authority to acquire, hold, use and enjoy, real and personal estate, to the amount of thirty thousand dollars, and to sell and convey, or otherwise dispose of the same, under such by-laws, rules and regulations as may by them be adopted: *Provided*, that such by-laws, rules and regulations be not contrary to the constitution of this State, or of the United States: and said corporation, by its name aforesaid, shall be competent to contract and be contracted with, to sue and be sued, plead and be impleaded, answer

and be answered, defend and be defended, in all courts and places whatsoever; and to have and use a common seal, and the same to alter at their pleasure: *Provided further*, that the powers hereby granted shall not be used in banking, insuring property, or doing any thing not expressly granted by the provisions of this act.

SEC. 2. That the right of any future Legislature to alter, amend or repeal this act, is hereby reserved.

SEC. 3. That this act shall become inoperative and void, if the members shall, at any time neglect, for the space of five years, to use the same for the purpose herein contemplated.

Approved February 25, 1848.

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This act may be amended, &c.

Conditional limitation.

CHAPTER 329.

AN ACT to incorporate the Great Crossings and Stamping Ground Turnpike Road Company.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That a Company shall be formed, under the name and style of the Great Crossings and Stamping Ground Turnpike Road Company, for the purpose of constructing an artificial McAdamized road, from the foot of the ridge, below the Stamping Ground, through said town, and to intersect the Georgetown and Frankfort Turnpike Road at, or near the Great Crossings, and that the capital stock of said Company shall not exceed forty thousand dollars, to be divided into shares of one hundred dollars each.

Name & style, & object of corporation.

SEC. 2. *Be it further enacted*, That books, for the subscription of stock in said Company, shall be opened on the 1st Monday in April next, or as soon thereafter as may be convenient, at the Stamping Ground, under the direction of Jesse Sinclair, Andrew Calvert, Leonidas L. Johnson, M. B. R. Williams and Gen. Wm. Johnson, who are hereby appointed Commissioners for that purpose; that the Commissioners shall take, from each and every person subscribing for stock in said Company, in a book provided for that purpose, the following obligation, viz: "We, whose names are hereunto subscribed, promise to pay to the President and Directors of the Great Crossings and Stamping Ground Turnpike Road Company, the sum of one hundred dollars for every share of stock in said Company, set opposite our names, in such manner and proportion, and at such times as we may be required by the President and Directors of said Company. Witness our hands, this ——— day of ———, 1848."

Books for subscription stock to be opened: when, where, & by whom.

Obligation to be signed by subscribers.

SEC. 3. *Be it further enacted*, That so soon as the sum of ten thousand dollars shall have been subscribed, the said Commissioners shall, at such time and place as they may ap-

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When, and upon what conditions, meeting of subscribers to be called to elect President, &c.

Corporate powers.

point, call a meeting of the stockholders, and hold an election for a President and seven Directors, who shall hold their office for one year, and until others are duly qualified; that said President and Directors, who shall be elected as aforesaid, and their successors, shall be a body politic and corporate, under the style of the Great Crossings and Stamping Ground Turnpike Road Company: and by said name, said Company shall have perpetual succession, with all the privileges and franchises incident to a corporation, and shall be capable of taking and holding their capital stock, and the increase thereof, and of purchasing and holding, to them and their successors, and of selling, transferring and conveying, in fee simple, all such tenements, and hereditaments, and estate, real or personal, as shall be necessary to them in the prosecution of their work; to sue and be sued, plead and be impleaded, and answer and be answered, in all Courts of records; also, to have a common seal, and to do all other acts which a corporation might lawfully do.

May enact by laws.

SEC. 4. *Be it further enacted*, That it shall be lawful for said President and Directors to order and establish such by-laws as may be necessary for the benefit of the corporation; to appoint a Treasurer, and to employ such Artists, Engineers, and other officers as may be necessary to carry on the contemplated work.

Grade and width.

SEC. 5. *Be it further enacted*, That said road shall be leveled and graded twenty feet in width, and its greatest elevation shall not exceed three degrees; that the part of it covered with McAdamized stone shall not exceed fifteen feet, and be fully nine inches in depth.

Location.

SEC. 6. *Be it further enacted*, That the President and Directors of said Company shall fix the location of said road on such route as they, in their judgment, may deem best.

Toll gate may be erected.

SEC. 7. *Be it further enacted*, That, so soon as the President, Directors and Company shall have completed five miles of said road, continuously, they shall call on three Justices of the Peace in the county, who are not interested in the stock of said Company, to examine the work; and if they shall certify that the work has been made in conformity with the provisions of this act, the certificate shall be recorded in the office of the County Court, and the President and Directors may cause a toll-gate to be erected at such point as they may think proper, on said road, and may collect the tolls and duties herein granted to said Company.

Toll-gatherers may be appointed; their powers and duties.

SEC. 8. *Be it further enacted*, That when the said gate or gates shall be erected, as aforesaid, it may be lawful for the President and Directors to appoint as many toll-gatherers as they may deem requisite; and it shall be lawful for the said toll-gatherers to stop any person riding, leading, or driving any horse or mule, or driving any cattle, sheep,

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Rates of toll.

hogs, sulky, chair, buggy, cart, wagon, or any other carriage of pleasure or burthen, from passing through said gate or turnpike, until they shall have paid toll agreeable to the following rates, viz: For every horse, or mule and rider, one cent per mile; for each horse, jack or mule, led or driven, three cents for each gate of five miles; for each head of cattle, two cents; for each head of hogs, one half cent; for sheep, half cent each; for each cart, gig or buggy, drawn by one horse or mule, 10 cents; for each dearborn, barouche, buggy or family carriage, drawn by two horses or mules, 20 cents; for each hackney coach or stage, drawn by two horses or mules, 25 cents; for each sleigh, 5 cents; for each pleasure carriage with four horses or mules, thirty cents; for each wagon, drawn by two horses, mules or oxen, twenty cents; for each wagon, drawn by three horses, mules or oxen, 30 cents; for each wagon, drawn by four horses, mules or oxen, 40 cents; and for each additional animal added, 10 cents additional toll may be exacted; for each stage coach, for six passengers only, thirty-five cents; and for each additional passenger, five cents may be charged; and every vehicle of any kind, with seats inside for more than twelve passengers, \$1; for a dray or cart, drawn by one horse or mule, 10 cents; and for each additional animal five cents may be charged on the same; it shall be the duty of the Company to keep printed lists of the above rates posted up at each gate.

SEC. 9. *Be it further enacted*, That if any person, liable to pay the toll aforesaid, at either of the toll-gates erected in pursuance of the above-recited provisions, shall, with intent to defraud the Company aforesaid, pass through any private gate or bars, or along or over any ground or land near to, or adjoining any turnpike or gate, with intent aforesaid, or shall take or pass any other stock or thing upon which toll is liable to be collected, with intent to lessen or evade such toll or duty, or shall practice any other fraud or device, or use force, such person, so offending, for every such offence, shall be liable to a fine of not less than one dollar and not more than five, for every such offence, together with the tolls which such offender should have paid, to be recovered before any Justice of the Peace as other debts of the like amount.

Penalty on persons for evading payment of toll, and how to be recovered.

SEC. 10. *Be it further enacted*, That the President and Directors shall keep a fair account of all the receipts and expenditures of the Company, which shall at all times be open to the inspection of any stockholder at their general meetings; they shall, at the end of every six months, after the completion of said road, make a dividend of the clear profits and pay it to the stockholders: *Provided, however*, That if the nett proceeds of the tolls, at the rates herein allowed, shall not produce a dividend of five per centum per annum, nett profits on the costs of said road, the same

Account of receipts and expenditures to be kept.

Tolls may be increased so as to yield ten per cent.

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may be increased so as to produce 5 per centum per annum; and if the said rates shall be found in any year to produce more than ten per centum per annum, they shall be reduced so that they will not exceed ten per centum per annum.

Gate keepers
to give bond.

SEC. 11. *Be it further enacted*, That the President and Directors shall take bond, with good security, from the gate keepers, and any other persons employed by them, for the faithful discharge of the duties assigned them respectively; which bonds they may cause to be renewed whenever they may deem it necessary, payable to the President, Directors and Company aforesaid.

May purchase
land for toll-
houses and resi-
dence of gate
keepers.

SEC. 12. *Be it further enacted*, That, whenever any five miles of said road shall be completed, the said President and Directors and Company may contract for, purchase and hold, to them and their successors, forever, any quantity of land, not exceeding one acre, at the site of each toll gate erected upon said road, agreeably to the provisions of this act; and if they cannot agree for such land at their respective gates, with the owner or owners thereof, they are authorized to possess themselves thereof, by application to the Judge in the district where such land *lays*, he being governed by the law in such cases, as laid down in the Nicholasville, Lancaster and Danville Turnpike Road Company, approved February 22, 1834: *Provided, however*, that, in the selection and appropriation of land under this section, the said President, Directors and Company shall not include the dwelling house, out house, or gardens of any persons, without their consent; and shall not so locate the said lands so as to prevent the owner or owners of the adjacent lands from access to said road, on either side of any gate, to which they would have had access if such location had not been made.

May have land
condemned if it
cannot be pur-
chased, & how.

Exemptions
from payment of
toll.

SEC. 13. *Be it further enacted*, That nothing in this act contained shall be so construed as to impose toll fees upon the owners of land through which said road shall pass, their horses, cattle or servants, passing on said road from one part of their farm to another; or to impose toll fees upon venire men and grand jurors of the same county, passing to and from Court to which they are summoned, or persons passing to or from any funerals, or with any funeral procession; nor shall any tolls be imposed upon any citizens of the county, while going to, and returning from, the general elections in said county, nor upon militia, on days of muster, or attending court of assessment in pursuance of their duty, nor upon persons going to or returning from a neighboring place of worship on the sabbath; but all such persons, for the time being, with their vehicles, shall pass free of toll.

SEC. 14. *Be it further enacted*, That so much of the State road, leading from Owenton to Lexington, as lies in

the county of Scott, shall hereafter be placed under the control of the Scott County Court; and the said Court is hereby authorized to abolish the same as soon as the Turnpike on said route is ready for travel.

1848.

Approved February 25, 1848.

CHAPTER 331.

AN ACT to exempt Keepers of Public Ferrys, in Morgan county, from working on roads.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That, hereafter, all Keepers of Public Ferrys, in Morgan county, shall be exempt from working on public highways while they are actually and necessarily engaged in attending to their respective ferrys.

Approved February 25, 1848.

CHAPTER 333.

AN ACT for the benefit of Jesse Day, of Morgan county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That a change of venue is hereby granted to Jesse Day, in the prosecution against him in the Morgan Circuit Court, for perjury, to the county of Breathitt, pursuant to the provisions of the act providing the mode for changes of venue in criminal cases, approved February 23, 1846.

Approved February 25, 1848.

CHAPTER 334.

AN ACT to repeal the law in relation to private passways in the county of Mercer, and for other purposes.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the provisions of an act, to amend and reduce into one the several acts concerning private passways in certain counties, approved February 22, 1834, is hereby repealed, so far as the same relates to the county of Mercer.

Act of 1834 repealed.

SEC. 2. The County Courts of Mercer and Boyle may, in their discretion, allot hands to work private passways in said counties.

Boyle & Mercer Cty Courts may allot hands.

Approved February 25, 1848.

1849.

CHAPTER 335.

AN ACT relating to the road tax in Germantown, and for other purposes.

Town exempt from operation of law in relation to roads.

Streets, &c., placed under the control of Trustees, who may pass by-laws in relation thereto, &c.

May levy and collect taxes to improve streets.

Taxes may be discharged by labor.

May vacate alleys, and sell & convey the same and apply the proceeds to improve streets.

Clerks of City Courts of Mason and Bracken to furnish lists of taxable property.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That, hereafter, the town of Germantown shall be exempt from the operation and provisions of the laws regulating roads and highways, which places the streets and alleys of said town under the control of the County Court, and supervisors appointed by them; and the streets and alleys of said town shall, hereafter, be under the control and management of the Board of Trustees of said town, who are hereby authorized to pass such by-laws and ordinances as may be necessary for the prevention of obstructions to said streets and alleys, and for improving and keeping in repair the same.

SEC. 2. That, hereafter, the said Trustees of said town of Germantown shall have power to levy, and collect, a tax upon the real and personal property within the limits of said corporation, for the purpose of improving and keeping in repair said streets and alleys, not exceeding five cents on each hundred dollars, in value, of such property, each year, as assessed by the county assessor; which tax shall be collected and applied, either in work or money, as may be decided by said Board of Trustees, and collected by supervisors appointed by said Board: *Provided*, that no person shall be compelled to pay said tax, in money, until after due notice has been given him to discharge the same, by labor, on the streets, in the same manner the road tax is now authorized by law to be discharged in Mason county.

SEC. 3. That the Board of Trustees of said town be, and they are hereby authorized to vacate, as public highways, any alley in said town not needed for public use; and to sell and convey the same to any person or persons, and for such fair price as they deem just, all the Trustees elected and qualified concurring; and they shall apply the proceeds of any such sale to the sole and only purpose of improving the other streets and alleys in said town.

SEC. 4. It shall be the duty of the Clerks of the County Courts of Mason and Bracken counties, each year, to make out and furnish a list of taxable property in said town, as shall be within said counties respectively, as returned by the several assessors.

Approved February 25, 1848.

CHAPTER 337.

AN ACT to incorporate a Fire Company in the town of Winchester.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That Charles Eginton, Henry W.

Kohlhass, Charles A. Algier, James Allen, Henry Leuba, William S. Downey, A. M. Preston, John Walldridge, and any additional number of the citizens of Winchester, not exceeding fifty, are hereby authorized to organize a Fire Company; and, as soon as ten citizens of said town shall have joined said Company, in addition to the above named members, said Company may proceed to the election of one Captain, First and Second Lieutenants, Treasurer and Clerk; the said officers may appoint such other officers as may be deemed necessary, and adopt such regulations and by-laws as may be considered proper and useful for the good management and discipline of said Company.

SEC. 2. That said Company shall meet at least once in each month, and, under the control of the officers, practice themselves in the use and working of the engine, not less than one, nor more than two hours.

SEC. 3. That it shall be the indispensable duty of each officer and members of said Company, when alarms of fire are given, to meet promptly, with their engine, buckets, and other apparatus, to extinguish the same; and shall, in all cases, render obedience to the officers of said Company; and for any failure of duty, non-attendance, disobedience of orders, &c., shall be liable to a fine not exceeding two dollars; the fines assessed to be immediately listed with, and collected by, a Collector, to be elected by the Company, or the town Collector, or any Constable selected by the officers of the Company, in case there be no Company Collector; who shall, without delay, proceed to collect all fines, and pay over the same, monthly, to the Treasurer of the Company, retaining ten per cent., annually, for the collections actually made; and may be proceeded against by the commanding officer of the Company, for any failure of duty, in the same manner as the town Collector of the town of Winchester now is for taxes he may collect.

SEC. 4. That the senior officer present shall take the command, or preside, being ranked as named in this act; and the Captain, Lieutenants, Treasurer and Clerk, shall constitute a Court of Assessment, any three of whom shall be competent to hear and determine all cases presented to them under this act, and the by-laws of the Company.

SEC. 5. The Clerk shall keep a book, in which he shall record all the proceedings of said Company, and court aforesaid; and the Treasurer shall keep a book to enter all moneys received and paid out by him. Each of these officers shall receive such compensation for their services as may be fixed by the Company. They shall keep their books open to the inspection of any member of the Company at all times. The fines assessed and collected, shall be appropriated by the officers in the repairing or building their engine house and engine, purchasing hose, ladders, buckets, and other necessary apparatus used by Fire Com-

1848.

Corporators
names

Officers to be
elected.

To practice in
use of Engine.

Duties of offi-
cers & members
when alarms of
fire are given.

Penalty for
neglect of duty,
and how recov-
ered.

Collector, and
his duties and li-
abilities.

Senior officer
to command.
C't Assessment.

Clerk, and du-
ties.

Compensation
to officers.

How fines to
be appropriated.

1848.

panies, and to the payment of the necessary expenses of the Company. All orders for money shall be drawn by the commandant of the Company on the Treasurer, and countersigned by the Clerk.

Officers and members are exempt from militia duty.

SEC. 6. The officers and members of said Company, so long as they continue as such, shall be exempt from militia duty in time of Peace. Any member may be expelled, by a vote of the Company, for bad conduct, reprehensible neglect of duty, or refusal and failure to pay the fines assessed against him.

Trustees to retain property in Engine, &c.

SEC. 7. That nothing in this act shall be so construed as to divest the Trustees of the town of Winchester of any property they may now hold in said engine, hose, &c.; and they may, at any time, resume possession of said engine, hose, &c.

Name and style, and powers.

SEC. 8. That said Company shall be known and called the "Winchester Rough and Ready Fire Company;" and shall be a body corporate, with the usual rights and powers to adopt by-laws for their government and regulation: *Provided*, such powers shall not extend beyond such as are essential to effectuate the usual objects and purposes of an engine and hose Company.

Proviso.

Approved February 25, 1848.

CHAPTER 338.

AN ACT for the benefit of the heirs of James B. Blair, deceased.

Executor to make conveyances, &c.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Alexander Blair, executor of James B. Blair, deceased, of Nicholas county, be and he is hereby authorized to make conveyances of any real estate that the said James B. Blair may have sold, and received the payment for, in his life time; also, to make conveyances of any lands which the said James B. Blair may have sold, in his lifetime, and the money, or any part thereof, remained unpaid at his death, to the purchaser or purchasers, or payment in full of the purchase money or any balance thereof; and the said conveyances shall be as valid as if made by the said James B. Blair, in his life time: *Provided*, that, before any such conveyance shall be made, it shall be the duty of said Alexander Blair to give bond, with good security, to be approved by the Nicholas County Court, in a penalty double the amount to be received by him from said lands, conditioned to distribute the same to those who may be entitled to receive it, according to law.

Proviso.

Approved February 25, 1848.

CHAPTER 339.

1848.

AN ACT for the benefit of James Sudduth.

WHEREAS, the Trustees of the town of Owingsville have, upon a petition of the citizens of said town, made an order permitting James Sudduth to close that part of the main street of said town which lies in front of the enclosure, and on which his new framed house stands. Therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the proceedings of said Board of Trustees be, and the same are hereby legalized.

Approved February 25, 1848.

CHAPTER 340.

AN ACT for the benefit of the infant heirs of Augustus F. Jacob, of Caldwell county.

WHEREAS, it is represented to the present General Assembly, that Augustus F. Jacob and Lucy, his wife, both departed this life in September last, leaving four children, all of whom are infants of tender years; that said decedent left no will; that he died somewhat embarrassed, leaving a tract of land in Caldwell county, where he lived at the time of his death, containing, by deed, 190 acres, more or less, and some slaves, among them a negro man named Peter, of bad temper, subject to intoxication and running away, so that he is not more than half his time in the employment of his owner: and, whereas, it is further represented, that said tract of land is not susceptible of division without loss to the heirs. Therefore,

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That it shall be lawful for the guardian of the infant children of the said Augustus F. Jacob, to file his petition, or bill in chancery, in the Caldwell Circuit Court, setting forth the facts as stated in the preamble to this act; and it shall be the duty of the Judge of said Court, upon the facts being proven, as set forth, to enter a decree directing the sale of said tract of land and slave, (Peter,) upon such terms and conditions as, in the opinion of the Court, will redound to the interest of the infant heirs.

Guardian may
file petition, &c.

SEC. 2. That said Court shall, in said decree, appoint the guardian of the infant children as Commissioner to sell said tract of land, taking bond, with approved security, for the purchase money arising from the sale of the land and slave, payable to himself, as Commissioner; also, directing said Commissioner to convey said tract of land to the purchaser, when the purchase money is paid.

Court to ap-
point Guardian
commissioner to
sell.

SEC. 3. That it shall be the duty of the Judge of said Court, upon the filing of said petition or bill, to appoint

Duty of Judge.

1848.

some attorney in said Court to defend for the infants on the trial of the cause.

Duty of Guardian.

SEC. 4. That it shall be the duty of said guardian to execute bond, with good security, in sufficient penalty, for the collection, safe-keeping, and proper distribution of the money arising from the sale of the land and slave, in such manner as guardians are now required by law to do. Said bond shall be taken and approved by the Judge of the Caldwell Circuit Court, and filed in Court with the papers of the suit.

Approved February 25, 1848.

CHAPTER 341.

AN ACT supplementary to an act incorporating the Paris, Winchester and Kentucky River Turnpike Road Company, and the North Middletown Turnpike Road Company, and for other purposes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Commissioners named in the act to incorporate the Paris, Winchester and Kentucky River Turnpike Road Company, and the North Middletown Turnpike Road Company, and for other purposes, passed at the present session of the Legislature, may open books for the subscription of stock, in said road, at any time agreed upon by a majority of said Commissioners, due notice of time and place being given, as required by said act.

Approved February 25, 1848.

CHAPTER 342.

AN ACT to amend an act, entitled, an act to establish the town of Cornishville, approved February 23d, 1847, and for other purposes.

Boundary designated.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the boundary of the town of Cornishville be, and the same shall be as follows, viz: Beginning at a red oak, standing on the bank of Chapline, and running from thence, down the same with its several meanders, South 48° W. 53 poles; thence S. 22° W. 40½ poles; thence S. 68½° W. 7 poles; thence N. 58° W. 15 poles; thence N. 21° W. 49½ poles, to a hickory tree; thence N. 61° W. 56 poles, crossing Chapline to a stone; thence N. 30½° E. 94 poles, to a stake; thence S. 60° E. 58 poles, crossing Chapline, to two cedar trees; thence S. 37° E. 72½ poles, to the beginning.

Inhabitants when to elect Trustees.

SEC. 2. *Be it further enacted*, That it shall be lawful for the free white male inhabitants of the town of Cornishville, of the age of twenty-one years and over, to meet at such place as they may agree upon, in said town, on the first Saturday in May, or in default thereof, on the 1st Saturday in July, in the year 1848, and every year thereafter.

and elect, by vote, three fit persons for Trustees of said town, to serve for one year, and until their successors are duly elected.

SEC. 3. *And be it further enacted*, That the election precinct now established at the house of Caleb Simm, in the county of Mercer, be and the same is hereby changed to the town of Cornishville, in said county, to be held at the tavern house of Archibald Wheeler, in said town.

Approved February 25, 1848.

1848.

Election precinct changed.

CHAPTER 343.

AN ACT to incorporate the Logan Manufacturing Company.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That Gustavus A. Henry, Walter Drane, F. M. Bristow, F. E. McLane, Hugh Barclay, Nimrod Long, R. C. Foster, F. A. Rice and Eli Orndorff, and those who may associate with them as stockholders, and their successors, shall be and they are hereby created a body politic and corporate, until the year 1875, by the name of "The Logan Manufacturing Company;" and by that name are hereby made capable, in law, to take, purchase, hold and possess, lands, tenements, hereditaments, goods, chattels, merchandise and effects, such as may be necessary for the purposes of said corporation, to an amount not exceeding one hundred thousand dollars; and the same to sell, grant, alien and dispose of, at pleasure; also, to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, in all Courts of law and elsewhere; they may make, establish, and put in force, such by-laws and ordinances as they may deem conducive and proper for the government of its fiscal and prudential concerns, and the direction of its officers and agents; they may have and use, a common seal, and may change, alter and renew the same at pleasure, and generally may do and perform all such acts, matters and things, for the purpose of carrying into effect the objects of this act, that corporations for limited purposes may do, not contrary to the constitution and laws of this State or of the United States.

SEC. 2. That the capital stock of said Company shall be twenty-five thousand dollars, capable of being increased to one hundred thousand dollars, if it shall hereafter be deemed necessary and proper. Said capital stock shall be divided into shares of fifty dollars each, to be subscribed, paid for, and held by the persons named in this act, agreeably to such rules and regulations as a majority of them shall agree and direct. For all stock, when fully paid for, certificates shall be issued, under the seal of the corporation, signed by the President and countersigned by the Secretary; which stock may be transferred by the proprietor thereof, on the

Corporators names.

Style, &c.
May hold lands, &c.

May make by-laws, &c.

Capital stock, and how divided.

Certificates to issue for stock paid in.
How transferred.

1848.

Stock declared personal estate.

Persons to open books, and where, & when to be opened.

Meeting when to be called, and where.

President and other officers when elected.

Their duties, business & powers, &c.

May hold real estate.

Treasurer to give bond.

Statement of proceedings to be laid before the stockholders once a year.

Profits may be divided.

President, &c., term of office.

Vacancies—how filled.

Corporation, when to go into operation.

Board of Directors to appoint Clerks.

books of the Company, in person, or by attorney in fact; and the assignee shall be entitled to a new certificate upon the surrender of the old one. The stock shall be personal estate, and pass, be held, and descend, as such; and such share shall entitle the holder thereof to one vote in all elections, and at all meetings of the stockholders.

SEC. 3. That Gustavus A. Henry, and others named in this act, or any three of them, or any persons whom they may appoint, shall be, and they are hereby authorized to open books for the subscription of stock in said Company, in the towns of Russellville, Keysburg, Adairsville, Springfield, Elkton, Clarksville, Hopkinsville, and at any other points they may deem it practicable, at any time after the first of April next; and, as soon as five hundred shares shall be subscribed, they may call a meeting of the stockholders, at such times and places as they may name, on ten days' notice, published in some newspaper at Russellville; and the stockholders, at such time, and on the first Monday in January, in each and every year thereafter, shall elect a Board of Directors, to consist of a President, Treasurer and one Director, all of whom shall be stockholders. To the said President and Treasurer shall be confided the business of the Company, which shall be to carry on the manufacture of hemp, tow, cotton, flax, wool; and of buying, selling and dealing in those articles; and they may purchase and erect such mills and works, store-houses and machine shops and machinery, as may be necessary to carry on the business of the Company, and hold such real estate as may be necessary for the erection of said buildings. The Board of Directors shall require, from their Treasurer, a bond with security, as the Board may deem sufficient, for the faithful performance of his duty; and, on the first Monday in January, in each year, a full and fair statement of the preceding year shall be laid before the stockholders, by the President of the Board; and the Board may then divide the profits arising from the business, and pay them over to the stockholders; but no dividend shall be made to reduce the capital stock.

SEC. 4. The President, Treasurer and Director shall continue in office until their successors are appointed and qualified; and in case the President, or either of the Directors, shall die or resign, the remainder shall supply the vacancy for the residue of the term. The corporation may go into operation as soon as five hundred shares are subscribed. The residue of the stock may be sold at such time, and in such manner, as the Board of Directors may direct.

SEC. 5. The Board of Directors shall appoint, in addition to the Treasurer, all such clerks, agents and laborers necessary to the business of the Company, and may remove them at pleasure. A correct record of the proceedings of the Company shall be kept, and faithful and correct books shall be kept of the business and operations of the Com-

pany; which books, and all papers, shall be subject to the inspection of the stockholders at all general meetings thereof.

Sec. 6. This Company may, at any time, establish agencies, or unite themselves with other similar Companies chartered by the Legislature of Kentucky; and may, at any time, three-fourths of the stockholders concurring, dissolve the corporation and wind up its business: *Provided*, they first pay the debts of the Company; and said corporators shall not reduce the capital stock by dividing the same, or withdrawal, until the debts are so paid; but said capital stock shall remain liable for all debts of the Company.

Sec. 7. The sites for the workshops, &c., of this Company, shall be at or near the mills of A. M. McLean, on the waters of Red River, in Logan county, unless a different point, in said county, shall be selected by a two-thirds vote of the stock.

Approved February 25, 1848.

CHAPTER 344.

AN ACT to incorporate the Rough and Ready Turnpike Road Company, in Boone county.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That a Company shall be, and is hereby formed, for the purpose of making an artificial turnpike road, on the McAdams plan, from the North Bend road, in Boone county, beginning on the said road near the mouth of the lane on Samuel Davis' farm, leading to Taylorsville, in said county; thence to the said town, on the Ohio river, thence up the Ohio river bottom to the mouth of Dry Run, so as to intersect the Dry Run and Covington Turnpike Road, incorporated at the last session of the General Assembly, to be known by the name and style of the Rough and Ready Turnpike Road Company, and by that name shall be a body politic.

Sec. 2. The capital stock of said Company shall be twenty-five thousand dollars, to be divided into shares of fifty dollars each. Subscriptions for stock, in said Company, shall be opened at the house of James Ketcham, in Taylorville; at the store of George W. Anderson, at the mouth of Dry Run, and at the store of N. E. Haws, in Burlington, on the first Monday in April next, or in a convenient time thereafter, and continue open for two years, unless the whole stock shall be sooner subscribed; and shall be under the direction of the Commissioners herein after named.

Sec. 3. The following persons are hereby appointed Commissioners to receive subscriptions of stock, viz: At Taylorville, John H. Crawford, William Gaines, Washington Watts, Jonathan Ketcham, Benjamin Watts and Abram Souther:

1848.

Company may establish agencies.

Dissolve the corporation, &c.

Provide.

Work shops, &c., where located.

Company authorized.

Route of road.

Name & style.

Capital stock.

Subscriptions, where opened, and when.

Com'rs.

1848.

At Burlington, Lewis Webb, N. E. Haws and Benjamin Sherrill: At the Mouth of Dry Run, Samuel Anderson, George W. Anderson, Samuel Stockwell and William Masters.

Com'rs to procure books and enter obligation.

SEC. 4. That such of the Commissioners as shall act, to open books for the subscription of stock, shall procure one or more books, and the subscribers shall sign the following obligation, viz: "We whose names are hereto subscribed, do respectively promise to pay to the Rough and Ready Turnpike Road Company, the sum of fifty dollars for each share opposite our names, in such proportions and at such times as shall be determined by said Company."

When notice to be given by Com'rs calling a meeting.

SEC. 5. That, so soon as two hundred shares in said Company are subscribed, it shall be the duty of said Commissioners to give notice of a meeting of the stockholders, in the town of Taylorville, for the purpose of choosing officers, the notice to be advertised fifteen days previous to such meeting, in one or more of the newspapers printed at Covington; at Taylorville and Burlington, by written notice; and the voters, in choosing officers for said Company, shall be regulated by the number of shares, allowing one vote for each share.

Votes, how regulated.

Company, when formed, to apply charter of Paris, Winchester and Ky. River Turnpike.

SEC. 6. That as soon as the Company is organized, the President, Managers and other officers of said Company shall possess all the powers, authority, rights and privileges, and shall and may do all acts and things necessary for carrying on and completing said turnpike road, as well as laying out or locating the road, and shall be subject to all the duties, qualifications, restrictions, penalties, fines and forfeitures, (if any,) and be entitled to like tolls and profits as are given and granted to the Paris, Winchester and Kentucky River Turnpike Road Company; and all the provisions of said act incorporating the Paris, Winchester and Kentucky River Turnpike Road, are hereby enacted as part hereof, except so far as they are local in their application or come in collision with the foregoing sections.

Exceptions.

Grades, &c., governed by the President, &c. Number gates allowed.

SEC. 7. The elevation of the grades of said road shall be fixed and regulated by the President and Managers thereof.

SEC. 8. That there shall be but two gates on said road, one between the North Bend road and Taylorville, and the other between Taylorville and Dry Run.

Approved February 26, 1848.

CHAPTER 345.

AN ACT for the benefit of James Calhoun, and John Hill and wife.

May levy for Calhoun's support.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall be lawful for the Adair County Court to levy, annually, any sum not exceeding twenty five dollars, for the support of James Calhoun, without requiring him to be kept at the poor house in said coun-

ty, so long as he may continue to live in said county, and may be unable to support himself.

SEC. 2. That it shall be lawful for the Adair County Court to levy, annually, any sum not exceeding thirty five dollars, for the support of John Hill and wife, without requiring them to be kept at the poor house in said county, so long as they may continue to live in said county, and may be unable to support themselves.

1848.
For John Hill's support.

Approved February 26, 1848.

CHAPTER 347.

AN ACT to extend the limits of the town of Hamilton, in Boone county.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the limits of the town of Hamilton, in Boone county, be and are hereby extended so as to embrace lots and lands contained in the following boundaries, to-wit: Beginning on the Ohio river, at the south west corner of the original plat of said town; running thence down, and on the river, in a south westwardly direction, one hundred and fifty poles; thence due east, twenty poles; thence in a north westwardly direction, one hundred and fifty poles; thence to the beginning, which said addition to said town shall be, and is hereby subject to the same laws and regulations now in force governing said town.

Boundary.

SEC. 2. *Be it further enacted*, That the citizens of said town shall not, in future, be required to work on the roads leading from said town more than one half of a mile from the limits thereof.

Citizens exempt from working roads.

Approved February 26, 1848.

CHAPTER 348.

AN ACT for the benefit of Catharine Montgomery, of Washington county, and John H. Butler, of Hickman county.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the Second Auditor issue his warrant on the Treasurer, for fifty dollars, in favor of Catharine Montgomery, for the support of Lucy Montgomery, for one year, ending the first day of May, 1847, who was found to be an idiot by the Washington Circuit Court.

Catharine Montgomery.

SEC. 2. That the Second Auditor issue his warrant on the Treasurer, for fifty dollars, in favor of John H. Butler, committee for Dorsey Elliott, an idiot, of Hickman county, for keeping said idiot the past year, ending the 16th October, 1847.

John H. Butler.

Approved February 26, 1848.

1848.

CHAPTER 349.

AN ACT to revive and amend the charter of the Shepherdsville and Louisville Turnpike Road Company.

Original charter revived and amended.

Bardstown & Green Riv. charter made applicable.

Exceptions.

Meeting when called, & where.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the charter, and amendments thereto, of the Shepherdsville and Louisville Turnpike Company, be, and the same are hereby revived and so amended and modified, as to authorise the Commissioners, hereinafter named, or any three of them, to organise the said Company, under the provisions of an act to incorporate the Bardstown and Green River Turnpike Road Company, passed and approved February 28th, 1835, and the several amendments thereto; and that the general provisions of said acts shall apply to this Company, and are made parts hereof, except so much of them as may be inconsistent with this act; and except the 6th Section of the "act to amend the charter of the Bardstown and Green River Turnpike Road Company, approved February 22d, 1846;" and when twenty thousand dollars shall be subscribed by individuals, Companies or Corporations, as stock in this Company, the said Commissioners, or any three of them, may call a meeting of the stockholders, in the city of Louisville, and proceed to elect a President and six Managers of said Company, and then proceed to the location and construction of said road as hereby authorized.

Com'rs, &c.

SEC. 2. That Abraham Field, Charles Quirey, John Anderson and Noah C. Summers, of Bullitt county; and Sam'l. Forward, James Guthrie, Levi Tyler and James Speed, of Jefferson county, be and they are hereby appointed Commissioners for the purpose of obtaining subscribers for stock and organizing said Company, as hereby authorized.

C'ty C'ts may subscribe stock.

Proviso.

SEC. 3. That it shall be lawful for the County Courts of Bullitt and Jefferson counties to subscribe for, and take stock in, said Company, and to pay therefor out of the county levy of said counties: *Provided, however*, that a majority of all the Justices in commission in each county, (exclusive of those living in the limits of the city of Louisville,) shall concur in said subscription of stock and laying the county levy for raising the same, in each of the counties when said subscription shall be made.

Com'th of Ky. released from subscriptions.

Proviso.

SEC. 4. That the Commonwealth of Kentucky is released from all obligation and liability to subscribe for stock in the Shepherdsville and Louisville Turnpike Company, as provided for in the original charter, and which is proposed to be revived and amended by this act: *Provided*, that no toll gate shall be fixed nearer to the extreme limit of the city of Louisville, or town of Shepherdsdale, than one half mile.

SEC. 5. That the President and Managers of said Company shall, within two years after they shall have graded the said road from Shepherdsville to Louisville, cover said

Turnpike, at least sixteen feet wide, with broken stone or gravel, so as to make a good, hard, substantial road-way, for the travel of wagons and other wheel carriages; and if they shall fail to do so, the right to collect tolls from those travelling said road shall cease: *Provided*, That said Company may construct a plank road-way of less width on said road, for the travel of wagons and other wheel carriages, in the place and stead of the stone or gravel road-way, in whole or part.

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SEC. 6. That it shall be the duty of said Company to keep the stone, gravel or plank road-way in good order and condition, after the same shall be constructed, and shall be entitled to charge full tolls on the same.

Road to be kept in repair & collect full tolls.

SEC. 7. That the 5th section of this act shall not be so construed as to give the right to the President and Managers of said Company to erect a toll gate or gates on any part or parts of said road, or to receive toll, until five miles of said road shall be completed, according to the provisions of the foregoing act.

When gates can be erected.

Approved February 26, 1848.

CHAPTER 350.

AN ACT to provide for a change of venue in the prosecution against Asa Sisk.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That a change of venue is granted to Asa Sisk, who stands indicted in the Hopkins Circuit Court for perjury, to the county of Union, in pursuance of an act, entitled, "an act providing for a change of venue in criminal cases," approved February 23, 1846.

Approved February 26, 1848.

CHAPTER 351.

AN ACT to authorize the Green County Court to sell the old Clerk's Office of Green county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the County Court of Green shall have power and authority to sell the old Clerk's Office, and the ground attached to the same, situated and being in the town of Greensburg, on such terms as said Court may deem most advisable; and the proceeds of the sale of said office shall be appropriated to the benefit of Green county; and said Court shall convey the same to the purchaser, by deed, on the payment of the purchase money.

Approved February 26, 1848.

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CHAPTER 352.

AN ACT for the benefit of the children of James Holland, of Caldwell county.

WHEREAS, it is represented to the present General Assembly, that James Holland, of Caldwell county, has had five illegitimate children by a woman named Walston, living in said county, and that he is desirous to adopt and legitimate the same. Therefore,

Legitimizing
children.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Lawson Walston, Angelina Walston, John Walston, Alexander Walston and William Walston, shall assume, and be called by the names of Lawson Holland, Angelina Holland, John Holland, Alexander Holland and William Holland, that being the name of their father; and that they, and each of them, are hereby made the legitimate children of the said James Holland, their father, in the same manner as if they had been born in lawful wedlock.

Approved February 26, 1848.

CHAPTER 353.

AN ACT to charter the Second Baptist Church of Louisville.

Corporators
names.

Name, &c.
Powers.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That Arthur Peter, Charles S. Tucker, Samuel A. Atchison, Joseph J. Denny and B. M. Patten, Trustees of and for the Second Baptist Church of Louisville, and their successors, as such, be and they are hereby constituted a body politic and corporate, to be known by the name and style of the Trustees of the Second Baptist Church of Louisville; and by that name shall have perpetual succession, and a common seal, or may use their individual seals or scrolls; and may sue or be sued, plead or be impleaded, in any court of law or equity in this Commonwealth; and, on the death, resignation, removal from the county, or other disqualification to act, (to be judged of by the church at a regular meeting of business,) of any one or more of said Trustees, or of their successors, it shall be competent for the members of said church to fill such vacancy or vacancies, at any regular business meeting, previous notice having been given of such intended election.

May receive
conveyance of a
lot of land for
church.

SEC. 2. That the above named Trustees, and their successors, be and they are hereby invested with full power to receive a conveyance of a lot of ground, (to be selected by the church,) in Louisville, upon which to erect a church edifice, or to lease, for a term of years, a lot, for the purpose aforesaid, if the church shall instruct them to procure such lease; also, to purchase other ground, not exceeding ten acres, and receive title thereto, with its appurtenances, for a burial ground or other church purposes, to be held by such

Trustees, or their successors, for the entire and exclusive use and benefit of the Second Baptist Church of Louisville, or such portion thereof, (should there ever be a schism,) as adhere to the articles of faith as now held by said church, forever.

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SEC. 3. That said Trustees, or their successors, shall have, and are hereby vested with, power to sell and convey their individual interest in and to the title of said Second Baptist Church, in and to the meeting house upon Green street, where the church aforesaid statedly worships, before the expiration of the lease of the lot on which it stands, consistently with the legal rights of the lessor in the lease aforesaid; or may make such other disposition of said meeting house as may be directed by said church, not inconsistent with the laws of this Commonwealth.

May sell title of church in the meeting house on Green street, &c.

Approved February 26, 1848.

CHAPTER 354.

AN ACT for the benefit of the Clerks of the Simpson and Clarke County Courts.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Second Auditor be directed to remit to Patrick H. Boisseau, Clerk of the Simpson County Court, thirty dollars, and to James W. Bullock, Clerk of the Clarke County Court, thirty dollars, with which sums said Clerks stand chargeable for a license to pedlers, it appearing that said Clerks misconstrued the law levying a tax upon pedlers of silver ware, and received only the sum of twenty dollars, instead of fifty dollars.

Approved February 26, 1848.

CHAPTER 355.

AN ACT to provide for a change of venue in the prosecution against William Payton.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That a change of venue is granted to William Payton, who stands indicted in the Casey Circuit Court for murder, to the county of Lincoln, in pursuance of an act, entitled, "an act providing for a change of venue in criminal cases," approved February 23d, 1846.

Approved February 26, 1848.

CHAPTER 356.

1848.

AN ACT to incorporate the Grand Division of Sons of Temperance of the State of Kentucky.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That C. J. Smith, E. H. Haycraft, H. D. Fisk, John Miller, A. G. Munn, J. B. Redd, F. H. Underwood and W. Kendrick, members of the Grand Division, Sons of Temperance of the State of Kentucky, and their successors and associates, be and the same are hereby created a body politic and corporate, by the name and style of the "Grand Division of Sons of Temperance of the State of Kentucky;" and by that name shall have perpetual succession, and shall be able to sue and be sued, plead and be impleaded, answer and be answered unto, in any Court of law or equity in this State; may have and use a common seal, and the same to break, alter or amend at pleasure; they may make and ordain such by-laws and regulations for their government, as, from time to time, they may deem proper, and may change and renew the same at pleasure: *Provided*, they be not in contravention of the constitution of the United States or of this State.

SEC. 2. That said corporation shall have full power to have and enjoy, in fee or otherwise, any lands, tenements or hereditaments, by gift, bargain and sale, devise, or other act, of any person or persons, body politic or corporate whatsoever; to take and receive any sum of money, goods or chattels, that shall be given, sold or bequeathed to them, in any manner whatsoever; and said corporation shall have the right to purchase and hold, a suitable lot or lots, any where in the State of Kentucky, upon which to erect such buildings as may be necessary for the use of the Grand Division of Sons of Temperance, and for educational purposes: *Provided*, that nothing in this act shall be so construed as to give to said Grand Division power to tax any subordinate division for the purpose of acquiring any real estate, or of building any edifice.

SEC. 3. Each and every subordinate Division of the Sons of Temperance, now organized, or which may hereafter be organized, under the jurisdiction of the Grand Division of Kentucky, shall be a body politic and corporate, by the name and style stated in the charter granted to them by the said Grand Division; and shall be vested with all the powers and privileges given by this act to the Grand Division of the Sons of Temperance of the State of Kentucky, not inconsistent with said charter, and subject to like limitations and restrictions, so long as they continue to hold a regular and unforfeited charter from said Grand Division.

SEC. 4. Said corporation shall have the power to advance and promote the cause of education in this State, and, for that purpose, they may, at any meeting of said Grand Division, by a majority vote of the members present, elect

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Trustees, who, upon their election, shall be a body politic and corporate, by the name and style of "The Grand Division University of the State of Kentucky;" and, by that name, shall be authorized to exercise all powers and privileges that are enjoyed by Trustees, Visitors and Governors of any College or University in this State, as now established by law.

SEC. 5. The said Grand Division shall have power to ordain and establish such by-laws and ordinances, for the government and management of said University, as they may deem proper, not inconsistent with the constitution of the United States and laws of this State.

May make by-laws, &c.

SEC. 6. The Grand Division shall have power to purchase and hold, any lands which may be necessary for the erection of primary schools in such part or parts of the State as they may deem proper; and ordain and establish such ordinances and by-laws, for the government of any primary schools, established by them, as they may deem necessary.

May purchase lands for primary schools, &c.

SEC. 7. The Legislature shall have the right, at any time, to amend, alter or repeal this charter.

Charter may be amended, &c.

Approved February 26, 1848.

CHAPTER 358.

AN ACT for the benefit of Isaac Bush.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Benjamin Downing, committee of Isaac Bush, a lunatic, is hereby authorized to file his bill in chancery, in the Allen Circuit Court, setting out the debts due by the lunatic, the amounts thereof, and to whom due, and the propriety of selling the land belonging to said lunatic, which lies in said county, for the purpose of paying the debts of said lunatic, and for his future support and maintenance; and if the Court, after due consideration of the facts stated and proved, shall be of opinion that it will be to the advantage of said lunatic to have said land sold, he may decree a sale of the same, and take such steps as may be necessary, by a Commissioner, or otherwise, to secure a conveyance to the purchaser; and the sale shall be ordered to take place upon such terms as said Court may think best. But, before any such sale shall be decreed, the said Downing shall be required to execute bond, with surety, payable to the Commonwealth of Kentucky, for the use and benefit of said Isaac Bush, in such penalty as the Court may prescribe, conditioned well and faithfully to use the purchase money in the payment of the debts of said lunatic, and in his necessary support and comfort; and said Court may hear and determine said application at the term at which said bill may be filed.

Committee may file bill, &c.

Proceedings, &c.

Approved February 27, 1848.

CHAPTER 359.

1848.

AN ACT to amend the act incorporating the town of Greensburg.

Authority vested in 7 Trustees, &c.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the act incorporating the town of Greensburg be so amended, that, hereafter, the prudential, fiscal, and municipal concerns of said town, as now laid out and defined, shall be vested in seven Trustees, who shall be elected annually, on the first Saturday in April, by the free white male inhabitants over twenty one years of age, who shall have been *bona fide* residents in said town six months next proceeding said election; said Trustees, when elected, shall hold their offices for the term of one year, and until their successors are elected and duly qualified. That said Trustees, before they enter upon the duties of their office, shall take an oath, before some Justice of the Peace, that they will faithfully, and without partiality or affection to any one, discharge the duties of Trustees to said town during their continuance in office.

Term of office.

To take oath.

Trustees to elect Chairman, &c.

SEC. 2. That said Trustees shall proceed, after their qualification, to elect one of their number Chairman, who shall preside at their meetings, and have power to convene the Board, when, in his opinion, the interest of the town demands it. It shall be his duty to see that all the ordinances and by-laws of said town are duly executed and put in force.

Corporate name and powers.

SEC. 3. That said Trustees, and their successors in office, shall be a body politic and corporate, and shall be known by the name and style of the "Board of Trustees of Greensburg;" and by that name shall be capable, in law, of contracting and being contracted with, of suing and being sued, of pleading and being impleaded, of answering and being answered, of defending and being defended, in all courts and places, and do all acts matters and things which a body politic or corporate, having perpetual succession, can lawfully and rightfully do.

Trustees may make & receive conveyances, & control streets & alleys, &c.

May tax citizens, property, shows, &c.

May suppress tippling houses, recover fines for violating by-laws, &c.

SEC. 4. That said Trustees, or a majority of them, shall have power to make or receive all necessary conveyances in relation to said town; they shall have power over the streets, alleys and side walks of said town, or which may hereafter be opened, and may direct the improvement of the same as they shall deem most beneficial to the interest of said town; they shall have power to levy and collect an *ad valorem* tax upon the property of said town, not exceeding fifteen cents on the hundred dollars, in any one year, and a poll tax on each white male, over the age of twenty one years, not exceeding one dollar; they shall have power to tax auction sales, shows and exhibitions, for money or profit, such sum as they, by their by-laws, may declare; they shall have the power to suppress all tippling houses, and to fine all those who may violate their by-laws, any sum not exceeding twenty dollars for each offence, except for

disturbance of religious worship, riots, routs, unlawful assemblies, breaches of the peace, and tippling houses, where the penalty may be one hundred dollars, which may be recovered before the Police Judge, hereinafter provided for, or any Justice of the Peace in Green county; they shall have power to remove all disorderly itinerant free persons of color from within the limits of said town; they shall have power to declare what are nuisances, and remove the same; they shall have power to provide for the security of said town against fire, by organizing a Fire Company, defining their duties, and punishing, by fine, those who shall fail to perform the duties required of them; they shall have power to inflict a fine of one dollar for a failure of any member to attend a meeting of the Board; they shall have power to fill all vacancies; they shall have full power to pass all by-laws and ordinances necessary for the carrying into effect all the powers herein granted, and executing all the provisions of this charter.

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Police Judge.

May remove disorderly free colored people, and remove nuisances, &c.

Vacancies—how filled.

Sec. 5. That it shall be the duty of said Trustees to appoint a Treasurer, Clerk, Marshal, and such other officers as they may deem necessary, and take from them, respectively, bonds, with approved security, payable to the Board of Trustees of Greensburg, and their successors in office, in such penalty as said Trustees may direct, conditioned for the faithful discharge of their respective duties; and for a violation, on the part of either of said officers, suits may be brought, and motions made, before any tribunal having jurisdiction thereof, in the same manner, and under the same rules and regulations that suits are brought, and motions made, against other officers for failure of duty.

Trustees to appoint Treasurer, &c.

Sec. 6. That it shall be the duty of the Governor, by and with the advice and consent of the Senate, to appoint a judicial officer to be styled the "Police Judge of Greensburg," who shall be commissioned as such during good behavior, who, before he enters upon the duties of his office, shall take an oath before some Justice of the Peace, to discharge the duties of his office faithfully and impartially, to the best of his ability, without favor or affection, together with such other oaths as are usually required of public officers. The said Police Judge shall have jurisdiction within the limits of said town, and within a square of four miles around said town, (the Court House in said town to be taken as the centre,) of all civil causes of which Justices of the Peace have jurisdiction. In all criminal cases arising in the county of Green, said Police Judge shall have the jurisdiction, as a Court of Inquiry, now given by law to two Justices of the Peace, and shall proceed in like manner as said Justices are required, by law, in criminal cases. He shall have jurisdiction of all offences arising under the ordinances and by-laws of said town, and shall have power to enter judgment and award execution accordingly. He shall

Police Judge to be appointed; term of office, duties, jurisdiction, &c.

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have full power and authority to grant injunctions, restraining orders against absent defendants, writs of *ne exeat* and *habeas corpus*, under the same rules and regulations now prescribed by the several acts authorizing certain Justices of the County Courts to grant injunctions, writs of *ne exeat*, *habeas corpus*, &c.; and it shall be the duty of said Judge to keep a record of his proceedings, a copy of which shall be evidence, and shall have the same effect as records of Justices of the Peace. He shall have power to issue summons for witnesses to give evidence in causes pending before him, and, upon their failure to attend, to issue compulsory process to cause their attendance. He shall have power to fine and imprison for contempt: *Provided*, that said fine shall, in no case, exceed five dollars, nor the imprisonment eight hours. He shall have power to order the Marshal to summon a jury in any case, cognizable before him, where a jury would be necessary before a Circuit Court or Justice of the Peace. It shall be lawful for said Police Judge to take depositions, and certify the same, to be read as evidence in any cause pending in any court where the depositions, now authorized to be taken by Justices of the Peace, may be read. He shall be entitled to the following fees, to-wit: for a peace warrant, or for a riot, rout, or unlawful assembly, or breach of the peace, fifty cents; or for issuing a warrant for the violation of any of the ordinances or by-laws of said town, or in any case where the Trustees are plaintiffs, twenty five cents; for swearing a jury and presiding over it any case, (except forcible entry and detainer,) fifty cents; for taking recognizance to keep the peace upon the application of any person, fifty cents, to be charged to the applicant; for each subpoena, twelve and a half cents; for each original judgment, in all civil cases, twenty five cents; all other fees of said Judge shall be the same as allowed by law to Justices of the Peace for like services, and collected in the same way.

Police Judge
may take depo-
sitions, &c.

Fees of Police
Judge.

Duties of the
Treasurer and
Clerk.

SEC. 7. That it shall be the duty of the Treasurer and Clerk to keep a record of the proceedings which properly belong to their respective offices; and it shall be the duty of the Treasurer to render an account to the Trustees, of all moneys received and paid out by him, whenever by them required so to do.

Jurisdiction of
Police Judge.

SEC. 8. The Police Judge shall have jurisdiction of all cases of motions and suits against the Treasurer, Marshal, Deputy Marshal, Clerk or other officers of said town, for all sums of money, or other thing which may be due from them, or either of them.

Appeals from
decisions of the
Police Judge.

SEC. 9. That, from all judgments rendered by said Police Judge, either party may appeal to the Circuit Court, or County Court, under the same rules and regulations authorizing appeals from judgments of Justices of the Peace to Circuit or County Courts.

SEC. 10. That it shall be the duty of the Marshal to serve all process and precepts to him directed, from the said Police Judge, and make due return thereof; collect all taxes of said town, executions, and other demands which may be put into his hands to collect, and account for, and pay over, the same, to whomsoever may be entitled thereto, under the same rules and regulations required of Sheriff's in the collection of taxes, and of Constables in the collection of executions or other demands; and for a failure of any of the duties required of him, he shall be subject to the same proceedings and penalties which may be had against Sheriffs or Constables in similar cases. The said Marshal shall have the same power, and be entitled to the same fees, for collecting the town tax, that Sheriffs have for collecting the county levy and revenue tax; and, in all other cases, the same fees allowed Constables for similar services: *Provided however*, said Judge shall have power and authority to direct his process to be executed by any Constable, or the Sheriff of Green county. Said Marshal shall be invested with all power and authority which is given Constables, in all cases cognizable before said Police Judge; he shall have power, if need be, to summon the aid of the county in executing any process to him directed; any person or persons failing to aid said Marshal, when so summoned, may be fined or imprisoned by said Police Judge, the fine not to exceed five dollars, nor the imprisonment eight hours.

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Marshal's duties, fees, &c.

SEC. 11. That all the fines and forfeitures, for a violation of said ordinances or by-laws of said town, and in all cases cognizable before said Police Judge, shall be collected and paid to the Treasurer of said Board of Trustees, for the use and benefit of said town; and all moneys collected by a judgment of a Justice of the Peace, for a violation of any of the ordinances or by-laws of said town, committed within the limits of said town, shall, in like manner, be paid over to the Treasurer.

SEC. 12. That no money shall be drawn from the Treasury, except by order of the Chairman, in pursuance of allowances made by said Board of Trustees.

SEC. 13. That the Trustees shall have the power to impose a tax upon all domestic animals running at large in said town.

Trustees may tax domestic animals.

SEC. 14. That the Trustees shall annually appoint one Town Assessor, who shall take a list of all the taxable inhabitants and owners of property in said town, and affix against each, separately, the amount of his, her or their whole estate within said town, subject to taxation under the laws of this Commonwealth; which list shall be taken in the same manner that the revenue lists are now, or may hereafter, be taken.

To appoint Assessor.

Duties of Assessor, &c.

SEC. 15. That it shall be the duty of the Clerk of the Board of Trustees to make out, and deliver to the Collector,

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a fair copy of the Assessor's book, with the amount of tax to be paid by each individual, and take his receipt therefor; and the Trustees shall, by their warrant, authorize and direct the Collector to collect the same; and shall make said Clerk, Assessor and Collector, such compensation as they may deem proper.

SEC. 16. That the Trustees shall have power to repair and keep in order the public wells and springs of said town at the common expense.

Trustees shall have by laws recorded in their journal.

SEC. 17. The Trustees shall cause all by-laws and ordinances, passed by them from time to time, to be recorded in the journal of their proceedings, and post up a copy of the same on the door of the Court House of said town.

May have side-walks paved & curbed.

SEC. 18. That said Trustees may cause the side walks in said town to be curbed and paved as they may direct, the costs whereof shall be apportioned and assessed against the owners of said lots fronting said sidewalks, and a lien is given on said lots for the same, or the Board of Trustees, in their discretion, may cause said lots to be rented out until said improvements are paid for.

Trustees to have control of burying ground, &c.

SEC. 19. That the title to the lot of ground in said town of Greensburg, heretofore deeded to the Trustees of said town, and by them set apart as a common burying ground, be and the same is hereby vested, as well as the title to the seminary lot in said town, heretofore conveyed to the Trustees of said town, by the Trustees of said Seminary, when elected, in the Trustees, and their successors in office, authorized to be elected by this act; and that said Trustees, and their successors, have entire control of said burying ground and seminary lot. It shall be the duty of said Trustees to appoint, annually, some suitable person to keep said burying ground in repair, and allow him such compensation as may be necessary for that purpose, to be paid out of the town Treasury.

May appoint a Superintendent of the burying ground.

Titles conveyed to former Trustees & powers vested in them, now vested in the present Board.

SEC. 20. That all titles, by deeds and conveyances, heretofore made to former Trustees of said town, all powers and authority given them, from time to time, by the Legislature, not repugnant to this act, be and the same are hereby vested in the Trustees, and their successors in office, when elected, who are authorized to be elected under this act.

Annual elections of Trustees, &c.

Judges of elections.

SEC. 21. It shall be the duty of the Trustees, in every year, at least ten days before the annual election, to appoint two competent persons as judges of the election, who, being first sworn, before the Police Judge or some Justice of the Peace, shall, in conjunction with the Clerk of said Board, hold an election for Trustees, as heretofore provided: *Provided*, that if the said Trustees, at any time, shall fail or refuse to appoint the Judges for conducting the election of Trustees, the County Court of said county shall, at their next, or some succeeding Court, on the application of

any person, appoint judges and a clerk to conduct said election, and fix a day therefor.

Sec. 22. The said Trustees shall have full power and authority to open any street or alley which may be, or shall hereafter be closed, if, in the opinion of said Trustees, the opening of said alley or street, so enclosed, will add to the benefit and convenience of the citizens of said town.

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Trustees to have power to open any street or alley which is closed.

Sec. 22. That, for any tax to be levied under this law, upon the personal or real property in said town, there shall exist a lien in favor of the Trustees for said tax, unless the same shall be paid; and, in case the owner or owners of said property, or some one for them, shall fail to pay such tax on or before the first day of September, in each year, it shall be lawful for said Trustees, by their Town Collector, to sell at the Court-house door in said town, at the October County Court, so much of said real estate as will pay off and discharge the tax due thereon, which shall vest the purchaser with title and the right to hold the same: *Provided, however,* that the owner or purchaser, of any such real estate, so sold, their heirs, administrators or executors, may, at any time within twelve months from the day of sale, redeem the same, by paying or tendering to the purchaser, or in case of his absence or removal, to the Clerk of the Board of Trustees the sum for which it sold, with ten per cent. per annum thereon, from the time of sale to the day of payment or tender; and if the owner of any property so sold, shall fail to pay and redeem the same within one year, the Trustees shall, if required so to do, convey the said estate, so sold, to the purchaser.

Lien for taxes if not paid.

Sec. 23. That Joshua M. V. Shreve and William Hobson, as judges, and Wm. B. Allen, as clerk, shall, after giving notice thereof, proceed to hold the first election of Trustees, under this act, at the Court-house in Greensburg, on the first Saturday in April, 1848; and, should one or more of them be absent, those remaining may fill the vacancy.

Judges & Clerk of first election.

Approved February 25, 1848.

CHAPTER 360.

AN ACT to amend an act for the benefit of Ann L. Clements, approved February 3, 1847.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the act, entitled, "an act for the benefit of Ann L. Clements," approved February 3, 1847, be so amended as to require George Clements, the guardian of said Ann, to set out and state in said bill, that the said Ann derived title to an interest in said tract or parcel of land, by will, from N. L. Clements, instead of by descent, as stated in said act to which this is an amendment; and he may also state, in said bill, any other fact in relation to the de-

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rivation of title to said tract of land, or the said Ann's interest in the same, that may be necessary. Said George Clements shall make George W. Parrott and Eliza, his wife, and any others necessary, parties to said bill. .

Approved February 25, 1848.

CHAPTER 361.

AN ACT for the benefit of the heirs of Philip Baker.

Infants, by
guardian, to file
bill, &c.

Duty of Court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall and may be lawful for Willis G. Baker, Mary S. Baker and Tabitha Baker, infant children, under the age of twenty-one years, of Philip W. Baker, deceased, by their statutory guardian, to file their petition in the Washington Circuit Court, setting forth that said infants are the owners of a tract of land, by will, lying on the Beech Fork, in Washington county; and that, in the opinion of said guardian, a sale of said land would redound in the interests of said infants; and if the said Circuit Court shall be of opinion, from the depositions of disinterested witnesses, that a sale of said land will promote the interest of said infants, it shall and may be lawful for said Court to decree a sale of said land, on such terms as said Court may deem proper, and may appoint a Commissioner to convey said land to the purchaser; which, when done, shall divest said infants of all title to said land and vest the same in the purchaser. The proceedings on said petition shall be had in conformity to, and governed by, an act, entitled, an act vesting jurisdiction in the Circuit Courts to authorize the sale of real estate of infants, in certain cases, approved February 3, 1813, except so far as inconsistent with this act.

Approved February 25, 1848.

CHAPTER 362.

AN ACT to amend an act, entitled, an act to establish the town of Petersburg, in Boone county, approved January 7, 1839.

Trustees to
have a lien on
real estate for
taxes, &c. and
may order sale.

Duty to adver-
tise time and
place of sale, &
how long.

Sec. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Board of Trustees of the town of Petersburg, in Boone county, shall have a lien upon the real estate of said town for the taxes levied thereon; and shall have power to order the sale of any real estate or lot in said town, in payment of any tax which has been heretofore laid, and is now due and unpaid, or any tax which may hereafter be laid by them on any lot or real estate in said town; and it shall be the duty of the Board of Trustees to advertise, or cause to be advertised, at one or more public places in said town, the time and

place of the sale of such real estate or lots, so ordered to be sold, at least thirty days before the day of sale; and to give notice to the owner, or his or her agent, if the owner or agent shall reside in said town, of the amount of tax due on such real estate, or lot, or lots; and if the tax shall not be paid thereon, on or before the day of sale, said Trustees, or their authorized agent, shall proceed to sell such real estate or lots to the highest bidder, for cash in hand, or so much thereof as shall be necessary to satisfy such tax and costs; and the money arising from such sale shall be appropriated to the payment of the tax due on such real estate or lots, and the costs of sale. If the Trustees of said town, or their agent, in offering such real estate for sale, under the provisions of this act, shall have the amount of tax and costs which are due, bid for the same, but can get no person to pay the amount for less than the whole of the ground offered, then he shall inquire who will pay more money for the whole of the ground; and should more be offered, he shall sell the same to the highest bidder, and, in that case, the surplus shall be deposited and kept by the Board of Trustees, or their Treasurer, to be paid the person entitled thereto. The owner or owners thereof shall have a right to redeem the same at any time within one year from the day of sale, by paying the purchaser the amount bid by him at the sale, with interest thereon at the rate of ten per cent. per annum, or depositing the same with the Board of Trustees, and giving notice of the deposit at the residence of such purchaser. If any such lots or real estate, sold as aforesaid, shall not have been redeemed within one year, as aforesaid, then it shall be the duty of the President of the Board of Trustees to convey to the purchaser all the right, title and interest of the owner or owners of such real estate or lots, as may have been by them ordered to be sold.

SEC. 2. That the lots or real estate in said town, belonging to non-residents; (or the owners thereof unknown,) shall be listed for taxation by the numbers by which they are designated on the plat of said town; and such lots or real estate shall be liable to be sold for the town tax now due thereon, or which may hereafter be laid by said Board of Trustees, in the same manner prescribed in the first section of this act.

SEC. 3. That, hereafter, the election for Trustees of said town shall be held on the Saturday after the first Monday in April, in each year.

1848.

To give notice to the owner or agent.

May sell for cash in hand.

How to proceed with sale.

Surplus, how deposited.

Owner may redeem.

When not redeemed duty of President Board

Non-residents' lots how listed, &c.

Election for Trustees when held.

Approved February 25, 1848.

1849.

CHAPTER 363.

AN ACT for the benefit of M. C. Hughes, Surveyor of Owsley county.

WHEREAS, Meredith C. Hughes, Surveyor of Owsley county, has failed to renew his official bond, as required by law. Therefore,

Allowed to re-
new his bond.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the said Surveyor be allowed to execute an official bond, in the County Court of said county, with two or more sufficient securities, to be approved of by said Court, with like penalty and condition as is now required by law; which bond shall be made payable to the Commonwealth of Kentucky, and may be executed at the April or May term of said Court for 1848, and shall be as valid, to all intents and purposes, as if the same had been executed at the time, and in the manner heretofore required by law; and the official acts of said Hughes, done since the expiration of his commission, shall be deemed as valid as if there had been no limitation to the law.

Approved February 26, 1848.

CHAPTER 364.

AN ACT for the benefit of William H. Curtis, of Monroe county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That William H. Curtis, of the county of Monroe, eighteen years of age, be and he is hereby authorized to sell and convey a tract of land, containing about one hundred acres, in said county, which was devised to him by his grand-father John Curtis; and when such sale shall be made, and a deed executed, it shall be as legal and as binding as if said Curtis were of lawful age.

Approved February 26, 1848.

CHAPTER 365.

AN ACT for the benefit of Juliann Dickson Thomasson.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be lawful for James S. Rose and Juliann Rose, his wife, guardians for Juliann Dickson Thomasson, to file their petition in the Hopkins Circuit Court, praying for the sale of fifty acres of land lying in Hopkins county, conveyed to said Juliann Dickson Thomasson, (in the name of Dickson Ann Thomasson,) by Nathaniel Adams and wife; and on its being made appear, to the satisfaction of said court, that it will promote the interests of said Juliann Dickson Thomasson to sell said tract of land, it shall be lawful for said court, at the first or second term after the filing of said petition, to decree the sale of said

tract of land on such terms and conditions as may seem equitable.

1848.

Approved February 26, 1848.

CHAPTER 366.

AN ACT to incorporate the Spencer County and Louisville Turnpike Road Company, and for other purposes.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That a Company shall be, and the same is hereby established and incorporated, with a capital of forty thousand dollars, to be divided into eighteen hundred shares, of fifty dollars each, to construct a turnpike road from Vandykes and Shindler's mill, in Spencer county, to Fisher's mill, in Jefferson county, and thence to intersect the Shelbyville and Louisville Turnpike Road at or near Middletown, the nearest and most practicable route between the designated points, under the style of the Spencer County and Louisville Turnpike Road Company, and, as such, shall be a body politic and corporate forever; and, by that name and style, shall be competent to contract and be contracted with, to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, in all courts and places, with full power and authority to acquire, hold, possess, use, occupy, and enjoy, all such real and personal estate as shall be necessary and convenient for the site or route of said road, and for piers and abutments for all and every bridge that shall be required on said road, and lots for toll houses and the residences for gate keepers; also, the necessary stone quarries for the construction and repairs of said road, and all other things which shall be necessary, or be required in the construction or repair thereof; and to have and use a common seal, and the same to alter, and renew at pleasure; and to establish and put into execution all such by-laws as may be necessary and proper for the construction, formation and repair of said road, and the management and direction of its prudential concerns, not contrary to constitution and laws of this State or the United States.

Object of corporation.
Capital stock.

Corporate powers.

SEC. 2. That the width of said road shall not be less than forty nor more than fifty feet, and the artificial part thereof shall not be less than fifteen feet in width, and made on one side; the said road shall be graded to two and a half degrees, and made on a grade of inclined planes.

Width of road.

SEC. 3. That James Vandyke, Buford Shindler, Robert C. Stone, Adam Caruthers, of Spencer county, Richard Owens and Nathaniel O. Wilson, of the county of Shelby, and Robert Fisher and Hezekiah Pounds, of the county of Jefferson, or any two of them, be and they are hereby appointed Commissioners, to open books at such time and place,

Com'rs to open books for subscription stock.

1848.

When meeting
to be held to
elect President
and Directors.

Notice thereof.

How votes to
be given.

Qualification
of President &
Directors.

Vacancies—
how filled.

Vested with
same powers as
Louisville Turn-
pike Company.

Balance stock
how raised.

When to com-
mence and com-
plete road.

or times and places as they, or any two of them, may deem expedient, for the subscription of stock in said Company: and whenever two hundred shares of stock shall be subscribed, the Commissioners, or any two of them, may close the books, and call a meeting of the stockholders at such time and place as they may deem expedient or convenient, first advertising the time and place of the meeting in one or more of the newspapers in the city of Louisville. And the stockholders shall choose a President and six Directors, in whom shall be vested all the powers of the corporation for the construction of said road, and the management and direction of its prudential concerns. Each share of stock, to the number of ten, shall entitle the owner to one vote; and every two shares over ten, shall entitle the owner to one vote. After the first election, an annual election shall be held on the first Monday in May, in each year; and the President and Managers shall hold their offices for one year. But if, from any cause or accident, a stated annual election shall not take place, the President and Managers shall not be held to vacate their offices until their successors shall be chosen. No person shall be elected a President or Manager without he is a stockholder, and shall vacate his office on ceasing to be one. The President and Managers, for the time being, may supply any vacancy which may arise in their own body from any cause; and when an annual election shall fail to take place on the first Monday of May, in any year, the President and Managers may direct and advertise an election on any other day they may think fit.

SEC. 4. That the President and Managers of the Spencer County and Louisville Turnpike Road Company shall be vested with all the power, authority, immunities, tolls, privileges and advantages, in all and every respect, that are now vested, by law, in the Louisville Turnpike Company, subject to the like limitations and restrictions as if they were herein embodied and repeated, except so far as they are modified in this act.

SEC. 5. That the President and Managers may, at any time after the organization of the Company, open the books and sell the residue of the stock, but not for less than par; and they shall have five years, after the organization of the Company, to commence the work, and ten years to complete the same.

Approved February 26, 1848.

CHAPTER 368.

AN ACT to enlarge the limits of the town of Cadiz.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the boundary of the town of Cadiz be and

the same is hereby enlarged and extended, so as to include within said town the lot adjoining the same, containing about three fourths of an acre, owned and occupied by John L. Miller, and, also, the lot adjoining said town, containing one and a half acres, owned and occupied by Sydney Hopson, and that said additions shall be governed by the laws now in force in relation to said town.

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Approved February 26, 1848.

CHAPTER 369.

AN ACT for the benefit of Elijah Hansbrough, of Hardin county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Elijah Hansbrough, of Hardin county, be and he is hereby authorized to bring into this State, from the State of Virginia, for his own use, a negro girl named Catharine, about thirteen years of age, without incurring the penalties of the act, entitled, "an act to amend the law prohibiting the importation of slaves into this State," approved 2d February, 1833: *Provided*, said Hansbrough shall, within sixty days after bringing said slave into this State, make oath before some Justice of the Peace for Hardin county, that he brought said girl into this State for his own use, and not for merchandise.

Approved February 26, 1848.

CHAPTER 370.

AN ACT to legalize the acts of William Teal, Constable of Owen county.

WHEREAS, William Teal, of Owen county, was appointed Constable of said county on the 16th day of March, 1846, at which time Smith Wingate was acting as Clerk, *pro tem*, and failed to insert in the bond executed by him the penalty. Therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That all the acts of said Teal, as Constable of said county, from the 16th day of March, 1846, to the 15th day of March, 1847, be and are hereby declared as legal and valid as though his bond had been filled up in proper manner, as required by law.

Approved February 26, 1848.

CHAPTER 371.

AN ACT for the benefit of Ann H. Cundiff, of Clay county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the name of Ann H. Cundiff, of Clay

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county, be and the same is hereby changed to that of Ann H. Reed, by which name she shall hereafter be known and called.

Approved February 26, 1848.

CHAPTER 372.

AN ACT for the benefit of the Mechanics of the town of Newport.

Given liens for
work and mate-
rials in building
houses.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That carpenters, joiners, painters, brick masons, stone masons, plasterers, turners, brick makers, lumber merchants, and all other persons performing labor, or furnishing materials for the construction or repair of any house building or buildings, or for any additions thereto, or improvements thereon, to be erected or constructed within the corporate limits of Newport, as now established by law, or which may hereafter be established, shall have and hold, a lien, jointly or severally, for the value of their labor, skill or materials, done, furnished or provided therefor, under contract with the owner or owners, as now provided for by an act, entitled, "an act for the benefit of the Mechanics of the towns of Covington and Newport," approved February 22, 1834.

Remedy for
enforcing liens,
and how pro-
ceeded.

SEC. 2. That where the claim of any individual, who is entitled to the benefit of the provisions of the first section of this act, shall amount to fifty dollars or under, he or she may, at their election, take the remedy provided for in such cases, under the before-recited act, or in lieu thereof, may resort to a suit before the Mayor of the town of Newport, against such owner or owners for the amount due them: *Provided*, that, if any person or persons shall proceed, under the provisions of this act, to institute suit before the Mayor of said town, he shall, at the time of instituting suit, file an account, specifying plainly and distinctly, the amount of the claim, with the items thereof, as nearly as can be ascertained, together with a description of the property, number of the lot, (if known,) and its location, upon or towards which the labor, skill and materials, have been done, furnished or provided; which account shall be sworn to by the party filing the same as just and true; and if a written contract existed between the employer and contractor, thus setting up his lien, a copy thereof shall be filed with the account, if in the power of the contractor to furnish the same.

All persons in-
terested to be
made parties.

SEC. 3. That any person or persons who shall institute proceedings, under the provisions of this act, before the Mayor of said town, shall, at the time of filing his account, also file a list of the names of all other persons who are entitled to liens on said property, hereby subjected to the same; and if they do not unite with him or them, as plain-

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tiffs, shall be made defendants to such suit; and the Mayor; when he issues his warrant or process, shall also cause the other claimants or creditors to be notified, by summons or written notice, of the pendency of such proceedings, and the time and place of trial.

SEC. 4. If the defendants, or any of them, shall reside out of the State, and so remote that a written notice cannot be conveniently served upon him, her or them, then a notice, published in some authorized newspaper printed in this State, for four successive weeks before the day of trial, shall be considered as execution of process upon such defendant or defendants, in which notice the names of the parties, and the object of the suit, shall be stated, plainly and fairly.

How non-residents are to be notified.

SEC. 5. That it shall be the duty of the Mayor, and he is hereby authorized and empowered, when any person or persons wish to take the benefit of this act, to issue his summons against the parties, or cause the notice to be given, as required in the 4th section; and, upon the execution of the same, to hear and determine the rights of the parties, hear all testimony of a proper character that may be adduced by either party, and to give such judgments, and make such orders and decrees as to him may seem just and proper; and he shall, immediately after the expiration of ten days, from the rendition of such judgment or decree, if final, issue an order, directed to the Marshal of said town, in which order he shall state the precise amount due and coming to each individual named in such judgment, together with the costs of suit, and shall therein direct said Marshal to lease out, or hire, the property to which said lien attaches, for the shortest space of time, to any person or persons who will pay off the respective claims and costs; and the Marshal is directed to enter into a contract with the lessee, and put him in possession thereof, immediately, or so soon as the lessee shall have paid the amount so bid by him, or shall give bond and approved security, payable to the respective complainants, for their respective portions of their debt and costs, within three months from the date thereof, with interest; which bonds shall have the force and effect of a replevin or sale bond, and execution may issue thereon accordingly.

Mayor to issue summons ag'nt defendants to hear testimony, &c.

Order & decree of the Mayor to State am'ts, and Town Marshal to execute order and decree by leasing out the premises.

SEC. 6. That any journeyman who may be employed in the construction or repair of any building or house within the town of Newport, may proceed, by suit before the Mayor of said town, under the same provisions and restrictions as is laid down in the 3d section of the before recited act of 22d February, 1834.

Journeyman may sue before Mayor.

SEC. 7. That any person wishing to attach a lien under this act, shall, within two months after such labor done, skill or materials furnished, or within two months after the completion of the construction or repair of such building or

How liens shall be asserted.

1848.

Duty of Mayor.

house, file, with the Mayor of said town, a memorandum, in writing, setting forth his, her or their lien, and intention to claim it, with the amount of, his, her or their claim, and the location and description of the property; which memorandum shall be recorded in the docket or order book of said Mayor; and no lien shall attach under the provisions of this act, unless suit be instituted within six months from the time of filing the memorandum aforesaid.

When leased premises to be surrendered; & proceedings allowed in case of failure or refusal.

Sec. 8. That when the terms of the lease, provided for in the preceding section of this act, shall expire, the possession of the property, so leased, shall be delivered up to the owner, or his or her legal representative; and, upon the failure of the lessee so to do, the party injured shall have the right to institute and maintain his action of forcible detainer against any person or persons holding over.

Act of 1834 repealed in part.

Sec. 9. That so much of the act, approved 22d February, 1834, as conflicts with the provisions of this act, is hereby repealed; and so much of said act as requires the Judge of the Campbell Circuit Court to decree the sale of property, authorized to be sold under the provisions of said act, on credits of six, twelve and eighteen months, be and the same is hereby repealed; and said Judge may decree a sale on such terms as he may deem expedient and proper, in order to do ample justice between the parties.

Approved February 26, 1848.

CHAPTER 373.

AN ACT to amend the road law in the county of Clarke, and for other purposes.

To be laid off into road districts, and Surveyors appointed.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the Clarke County Court, at their September or October term, 1848, a majority of all the Justices being present, shall divide said county into suitable road districts, to be known by their numbers, and shall appoint a Surveyor for each district, who shall serve for one year, or until his successor be appointed. That the Surveyor, upon his appointment, shall take the following oath, to be administered by any Justice of the Peace, viz: "You do solemnly swear, (or affirm,) that you will faithfully discharge the duties of Surveyor of the road, according to law and to the best of your abilities." That, when the districts are laid off, the Clerk of said Court shall, within five days, deliver to the Commissioner of revenue, a copy of the order of Court defining the several district's boundaries. The Court may, from time to time, lessen or increase the number of districts, and change their bounds; and when any alteration is made, the Clerk shall furnish the Commissioner of revenue with a copy of such order, previous to beginning to assess; and the citizens residing in each district shall be subject to a road tax of five cents on each

Surveyor to take oath.
Form thereof.

Clerk to deliver Com'r's Tax order fixing the boundary of districts.

Districts may be altered.

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hundred dollars worth of property, and a poll tax of one dollar and fifty cents for each white male over the age of sixteen and under fifty years of age, and all male slaves over sixteen years old.

SEC. 2. That the Commissioner of revenue for said county, when he assesses the revenue, shall, in a book to be provided by the County Court for that purpose, assess all the real estate, together with the white males over sixteen and under fifty years of age, and all male slaves over sixteen years of age, in each road district separately, and shall value the real estate as is done for revenue, and shall set down the value of the real estate, and number of tythes, subject by this act to work on roads, which shall be returned to the Clerk of the County Court, whose duty it shall be, within twenty days, to transcribe a copy of each district assessment, specifying the amount of taxes due from each person, and deliver the same to the Sheriff, to be by him, within fifteen days, delivered to the Surveyors of the respective districts. The County Court shall have power to correct all improper assessments, upon proof thereof; they may receive proof that the Commissioner of revenue has omitted to assess persons or property; and on the fact being established, they shall cause the same to be entered of record, setting forth the value of the property, and the number of persons, and the amount of taxes due thereon, a copy of which order shall be furnished to the proper Surveyor, by the Clerk and Sheriff as above.

Commissioner
to assess persons
and property in
each district.

Clerk to copy
Assessors list &
deliver to the
Sheriff.

Court to cor-
rect improper
assessments.

Powers and
duties of Sur-
veyors.

SEC. 3. That it shall be the duty of the Surveyors to superintend opening, repairing, and keeping in repair, all the public roads in their respective districts, under the order and direction of the County Court; and they are authorized and empowered to receive and receipt for the tax of the persons assessed and found liable therefor, according to the amount of labor performed; and the parents and guardians of minors, and the owner or persons having the immediate right to the service of a slave or slaves, tythable, shall be liable for the taxes assessed against them. The Surveyor shall, in person, or by written notice, inform the person liable to work, as aforesaid, by giving them three days notice, of the time and place, when and where they shall attend. If by a written notice it shall be deemed lawful, by leaving at their usual place of residence; and any person whose duty it is to perform labor on a road, shall, when required by his Surveyor, furnish such team or teams and utensils as the Surveyor may require: *Provided*, he owns the same; and for refusing or failing to do so, shall forfeit a sum not to exceed three dollars, recoverable by the Surveyor before a Justice of the Peace. The Surveyor shall not allow more than two dollars for a team, ploughman and plough; and for a wagon, team and driver, not more than three dollars per day; and all who choose, may by themselves, or an able bodied substitute, work out the amount of their tax,

Allowance for
teams, &c.

Road tax may
be worked out.

1848.

List of delinquents to be listed with Sheriff.
Duty and liability of Sheriff.

at the rate of seventy five cents for every eight hours of work performed; and if, after being notified, the person liable for taxes does not attend and labor, as required by this act, under the direction of the Surveyor, (he) shall within sixty days, make out, and deliver to the Sheriff, or his deputy, taking his receipt for the same, a full and complete delinquent list of all such persons, whose duty it shall be to proceed and collect the road taxes from such delinquent as other taxes are collected, and pay the same over to the order of the Surveyor, for work done on the road, materials condemned for road purposes, or the purchase of any tools, authorized to be purchased under this act, within thirty days after collected; and should the Sheriff not be able to collect the road taxes from all the delinquents returned to him, it shall be his duty to make out a road delinquent list, under the same oath as other delinquent lists are made out, and return the same to the County Court, at the April term of said Court, in each year, for which he shall have a credit on his receipt to the Surveyor, the Court making the order to that effect. The Sheriff shall be liable to the order of the Surveyor, for the road tax, upon his official bond.

Occupant of lands to pay road tax & have credit on his rent.

Sec. 4. That the occupant of lands, subject to tax, shall be liable for the taxes due on the lands, to the extent of his or her indebtedness, to the owner of the lands for rent: *Provided*, he or she has notice of the tax, before he or she pays his landlord; and such payment shall be obligatory on the owner of the land; and in case there is no occupant on the land, the agent shall be responsible for the tax.

Surveyor to make out statement of receipts & disbursements.

Penalty for neglect of duty.

Sec. 5. That the Surveyor shall make out a fair statement, verified by oath, of the receipts and disbursements of the road tax, and report the same to the County Court at their April term, in each year. The Surveyor shall be subject to the general law for all general duties; and, on failure to perform any special duty required by this act, shall be subject to a fine of not less than three, nor more than ten dollars, to be recovered by any person becoming responsible for the costs, suing for the same in the name of the Commonwealth, before any Justice of the Peace; and the fine, when collected, shall be added to the district fund, in which it is collected, for road purposes.

Compensation to Clerks, &c.

Surveyor exempted from serving on juries, &c.

Sec. 6. The County Court shall allow their Clerk, Sheriff and Commissioner, a reasonable compensation for the services herein required; and the Surveyor, in appointment, shall be entitled to a credit of seventy-five cents for each day's attendance he shall give to the notifying of hands, or working on the roads, but in no one year to exceed the sum of twelve dollars; and he shall, during his continuance in office, be exempt from serving on all juries; he shall have full power to expend the amount of the taxes assessed, on the roads in his district.

Sec. 7. That if, after expending the road tax, as hereinbefore specified, the road shall be in bad order, the Surveyor

shall have power to call on the tytheables to perform not exceeding two days work in any one year, over and above the tax as hereinbefore required.

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SEC. 8. That the Surveyors of each road district are empowered and authorized to purchase, and pay out of the road tax, ploughs, scrapers, and other necessary tools for the use of the road of which he is Surveyor, and which said tools he shall deliver over to his successor; and shall be further authorized to hire teams and wagons to assist in working the road.

Tools may be purchased by Surveyors.

SEC. 9. That all ordained ministers of the gospel shall be exempt from paying his individual poll tax for road purposes in Clarke county.

Ministers of the gospel exempt.

SEC. 10. That it shall be the duty of the Surveyors to dock any individual at the rate of fifteen cents for every hour which he shall, when attending to work on the roads, wilfully idle away, recoverable by the Surveyor before a Justice of the Peace.

Hands to be docked for failing to work.

SEC. 11. That where bridges or causeways are necessary, the Surveyors may cut, and take from the lands of any person or persons adjoining, such and as much timber, earth and stone, for making and keeping in repair the same; (the same being first viewed and valued by two house keepers, appointed and sworn by the Surveyor for that purpose;) and the Surveyor shall give an order upon the Sheriff for the amount, to the owner of the land.

Timber may be taken for repairing roads after valued.

SEC. 12. That, at the next August election, it shall be the duty of the officers of said election, at each voting place in the county of Clarke, to open two columns in their poll book: the one for, and the other in opposition to, this act; and it shall be the duty of the Sheriffs, at said places of voting, distinctly to ask of each voter, there voting, whether or not he is in favor of this act; and, upon the comparison of the polls, should it appear that a majority of the legal voters of said county are opposed to the provisions hereof, then, and in that event, this act, and all the provisions thereof, shall be and is hereby declared null and void, otherwise to remain in full force and virtue.

Vote to be taken for and against this act.

SEC. 13. That all laws now in force within the county of Clarke, coming in conflict with the provisions of this act, shall be and the same is hereby repealed.

Repealing clause.

SEC. 14. That the third section of this act shall apply to the road law of Trimble county.

Approved February 26, 1848.

CHAPTER 374.

AN ACT to incorporate the town of Monticello.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the town of Monticello, as de-

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Boundary fixed.

scribed, bounded and marked in the plat thereof, executed in the year 1802, by Joshua Jones, Surveyor of Wayne county, (under the direction of William Beard, who was appointed by the Wayne County Court for that purpose,) and the additional plat executed by Joshua S. Jones, Surveyor of Wayne county, on the 27th day of January, 1848, of record of the Clerk's office of the Wayne County Court, shall be and is hereby declared to be the town of Monticello; and the said plats are hereby declared to be the true plats and plan thereof; and that the original or attested copies of the said plats may be used in evidence in the same manner that attested copies of other papers, duly recorded in said office, are authorized to be used: *Provided, however,* that the titles to the aforesaid additional boundary shall not pass to, and vest in, the Trustees of said town, nor their successors in office, but shall remain in the respective owners thereof, subject to their entire control; and may be laid off and disposed of in lots, at any time, or never, at the option of the respective owners thereof; but, in all other respects, to come under the rules, regulations, laws and by-laws of said corporation.

Original plat or copies may be used in evidence

Title to lots vested in owners.

Fiscal, prudential and municipal concerns vested in five Trustees.

SEC. 2. That the fiscal, prudential, and municipal concerns of said town, with the government and control thereof, shall be vested in five Trustees, three of whom shall constitute a quorum to transact business, and all of whom shall reside in said town at the time of their election, and be free holders therein.

Corporate powers.

SEC. 3. That said Trustees, and their successors, shall be a body politic and corporate, and shall be known by the name and style of the "Board of Trustees of the town of Monticello;" and by that name shall be capable, in law, of contracting and being contracted with, of suing and being sued, of pleading and being impleaded, of answering and being answered, and of defending and being defended, in all courts and places; and may use a common or private seal, and do all other acts, matters and things, which a body politic and corporate, having perpetual succession, can lawfully and rightfully do and perform.

When & how Trustees are to be elected.

SEC. 4. That said Trustees shall be elected, during the present year, on the first Monday in March; and after this year, annually, on the first Monday in January, by the free white male inhabitants of said town, over the age of twenty one years, and who shall have paid their poll tax for the preceding year, and all arrearages and taxes by them due said town, which payment, upon being questioned, must be satisfactorily shown; and that all persons owning real estate in said town, and who may be resident in the county, otherwise qualified, shall be entitled to a vote at the regular annual Trustee election. The said Trustees shall hold their offices for one year, and until their successors shall be elected and qualified; they shall take an oath before some

Qualification of voters, &c.

Justice of the Peace, that they will faithfully, and without favor or affection to any one, discharge the duties that may devolve upon them as Trustees, during their continuance in office; and shall have power to fill any vacancy that may occur in their own body; it shall be their duty to appoint one of their own body Chairman, who shall preside at all their meetings, and, in case of the absence of the Chairman, they shall appoint a Chairman *pro tempore*, and in case of his death, removal from the town, or vacation of his seat as Trustee, may appoint another in his stead; the election for Trustees shall be conducted by one or more of the acting Trustees, or those other citizens, to be appointed by the Board for that purpose, and shall be held at such place as may be designated by the Board; and the return of the names of the persons elected, shall be made to the Clerk of the Board, and shall be by him recorded in their books; at least ten days' notice of the time and place of holding the election shall be given, by advertisement, posted up in at least three of the most public places in the town of Monticello; should any Trustee be absent from the meeting of the Board for three months, the Board may, by the unanimous vote of all the remaining Trustees, by a resolution to that effect entered on their records, declare his seat vacated, and may then fill the vacancy caused by his removal, as in other cases.

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How elections shall be conducted.

Notice to be given.

SEC. 5. That the Trustees may, from time to time, fix and regulate, by their by-laws, the times and places of their regular meetings of the Board, and also prescribe the mode in which special meetings may be held, and may inflict a penalty not exceeding one dollar, on any member for non-attendance, at any one meeting, to be applied for stationery, lights and fuel.

Meetings of Trustees how regulated & fixed.

SEC. 6. That the legal title to all the streets and alleys in said town, and all the real, personal, and mixed estate, which now does, or may hereafter belong to said town, (except the additional boundary referred to in the first section of this act,) shall be, and is hereby vested in said Board of Trustees, and their successors in office, so far as may be necessary to enable them to improve and keep the same open and in good repair; and they shall have full power and authority to maintain, and carry into judgment and execution, any action or actions of trespass for any injury done to the same; and may, in like manner maintain, and carry into judgment, any other appropriate action or actions, for the recovery of their property, or damages for the detention, taking, injury, or destruction of the same; and that the same process may issue, and execution be awarded as are applicable, by law, to suits by private individuals: *Provided, however*, that, in all cases thus instituted, in which the Trustees do not sue for a special penalty, the jury shall not be limited in their verdict by the amount of any special

Title to streets, &c., vested in Trustees.

Trustees may maintain action for trespasses to town property.

1848.

penalty annexed to the offence for which the suit was brought, but shall be guided by the same discretion which regulates their verdicts in suits between private individuals: *Provided, also*, that, in all such cases where the damages are laid at a sum not exceeding fifty dollars, the Police Judge, or any Justice of the Peace, shall have concurrent jurisdiction, subject to appeal, as in other cases.

Trustees may cause streets, &c. to be cleared out.

May cause nuisances, &c., to be removed.

May require owners of lots to keep streets clean, &c.

May cause the grounds to be ornamented with trees, &c.

SEC. 7. That the Board of Trustees shall have power and authority to clear the streets, alleys, side walks and pass ways in said town, of all obstructions, and keep open all springs in said town, and declare them free, by a verdict of a jury, to be empannelled before the Police Judge for that purpose, (excepting however the spring in the additional boundary of said town.) They shall also have the power and authority to preserve, free from incumbrance, all the public grounds and improvements in said town; they shall have full power and authority to remove, and cause to be removed and abated, any nuisance or nuisances in said town, and to regulate the storage or removal of any combustible or unwholesome material that may injure the health, or tend to diminish the comfort of the citizens, or the security of their property, or the public property. They shall also have the power and authority to cause any chimneys, flues, stove pipes, or fire places, that, in their judgment, may threaten the security of property, to be changed and repaired, so as to remove the cause or danger of insecurity. They shall also have the power and authority to cause the owners and occupiers of property, fronting on streets or alleys, to keep the same, in front of them, clear and free from dirt or filth; and in all cases enumerated in this section, when the persons, who should do so, fall or refuse to obey and perform the direction given in relation thereto, by the Board of Trustees, the said Trustees may have their orders executed at their own expense, and the costs and charges therein incurred shall be paid by those who should have complied with the direction of the Board in relation thereto, and may be recovered by the Board of Trustees, by a warrant for the same, before the Police Judge, or by a suit in the Wayne Circuit Court.

SEC. 8. That the said Trustees may cause the said town, and the grounds belonging to the town, to be ornamented in such manner as they may deem expedient, with fencing trees and shrubs, and the necessary protection of said trees and shrubs; and that, if any person or persons shall wilfully injure said trees, fencing and shrubs, or any one or part thereof, or the boxing or protection of the same, each person, so offending, shall, for every such offence, be subject to a fine of not less than five, nor more than fifty dollars, to be recovered by the said Trustees, in their name and for their benefit, by warrant before the Police Judge or any Justice of the Peace.

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May cause the streets, &c., to be paved or McAdanized by owners of lots.

Sec. 9. That the Board of Trustees of the town of Monticello may, from time to time, direct and require the owners of lots or parts of lots in said town, when the same fronts on Main street, or Main Cross street, to cause the same to be paved with side-walks in front of their respective lots or fraction of lots, of such width and such materials, and in such manner and at such elevation as the said Board may deem expedient, and also to repair the same in such mode and manner as they may direct. If the owner or owners of said lot or lots, or fraction of lots, shall fail or refuse to have the same repaired with side-walks, within the time and in the manner prescribed by said Trustees, it shall be lawful for the said Trustees to have the same done, at their own costs and charges; and the costs and charges, thus expended and incurred, by said Trustees, shall be taken and be a tax upon said lots and fraction of lots, and the owners thereof, respectively, in proportion to the amount which the costs of the whole improvement, made under said order, bears to the length in front of said lots or fraction of lots respectively; notice of such order or direction for repairing, grading or finishing, with side-walks, being first given, by serving the person or persons owning or occupying the same, at least two months previous, with a copy thereof; which copy, with the Marshal's return thereon, that the same has been duly executed on the party or parties, so owning or occupying said lot or lots, or fraction of lots, may be filed by the Clerk of the Board, and shall be *prima facie* evidence that said direction was given, as prescribed by this act; and the original or attested copies of the same may be used on the trial of any cause, and shall have the force and effect of other attested copies now authorized by law.

Sec. 10. That if the owner or hirer, or any person that has the legal control and custody of any slave, shall suffer or permit said slave to hire his or her own time, and go at large, and act for himself or herself in said town, the Police Judge or any Justice of the Peace in said town, shall, at the instance of said Trustees, issue his warrant against the owner or hirer, or person having the legal control of said slave, to show cause why judgment shall not be rendered against him or her for such offence; which warrant may be executed by the Marshal or his deputy, or by any Constable: and, upon the return of the same, a Jury shall be empannelled before said Justice of the Peace or Police Judge; and if the jury shall ascertain that the defendant to said warrant suffered and permitted said slave to hire his or her own time, or go at large, and act for himself or herself, in said town, the said Justice of the Peace or Police Judge, shall, thereupon, enter a judgment, that said slave be hired out to the highest bidder, until he or she shall raise the sum of twenty-five dollars, to be paid to the Trustees:

Penalty for permitting slaves hire their own time, how recovered or enforced.

1848.

Provided, however, that said contract of hire shall terminate whenever the said owner, hirer, or person who has the legal control, shall refund, to the person who hires the said slave of the Marshal or his deputy, the full amount of the said sum of twenty-five dollars: *Provided, also,* that the hiring, under such judgment, shall be made by the Marshal or his deputy, and that no slave they hire shall be taken out of the county of Wayne by the hirer, or any person claiming under him: *And provided, also,* that the Marshal shall, before he delivers said slave to the hirer, take from the hirer, bond, with good security, conditioned that neither he nor his assignee will remove said slave out of the county of Wayne; which bond shall be made payable to the Board of Trustees of the town of Monticello, and may be sued upon in their name, by any person injured by the breach thereof, at the costs and charges of said person: *Provided, also,* that when the owner of any slave, thus going at large, or hiring his or her own time, is unknown, or resides out of this Commonwealth; the Police Judge, on the application of said Trustees, order said slave to be hired out, by the Marshal, from month to month, for the benefit of said town, until the owner can be ascertained.

Officers to be
appointed.

To give bond.

SEC. 11. That the Board of Trustees of the town of Monticello shall have the power to appoint, annually, a Clerk, Assessor, Treasurer, and Marshal, and such other officers of said town as may be necessary to carry into effect the laws, by-laws, rules and regulations, made for the general welfare of said town, and the citizens thereof, and may prescribe their respective duties, and affix and pay the respective salaries of said officers. They shall require bond, with sufficient security and adequate penalties, by all officers appointed by them to fill responsible offices, conditioned for the faithful discharge of the duties, and the prompt payment of all sums of money that shall come to their hands; and they, and their securities, shall be liable to a judgment in the Wayne Circuit Court, in favor of the Board of Trustees of the town of Monticello, or any person entitled to money collected by them, in like manner, and subject to the same penalties that Sheriffs and their securities are: they shall have full power and authority, at any time, to remove any of said officers or their deputies, and appoint others in their stead: and when any vacancy occurs, by the death, removal or resignation of the Chairman of the Board, or of any of the officers or their deputies, they shall, in like manner, have full power and authority to appoint others in their stead.

Duties of As-
sessor, and how
assessments can
be changed.

SEC. 12. That the Trustees shall appoint, annually, from among their citizens of said town, an Assessor, who shall, before he enters upon the duties of his office, take an oath duly and impartially to discharge the duties thereof. It shall be the duty of the Assessor to call upon all the taxa-

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ble persons in said town, and make out a true list of their taxable property, with the value thereof, which list shall be made upon the oath of the party, to be administered by the Assessor. The Assessor's list shall be taken so as to include all the real estate in said town, and all the free white males over the age of twenty one years, all slaves with their value, with all other species of personal property, money and choses in action. If any person or persons shall refuse to give in a list of his or her property, or be absent, the Assessor shall make out a list from the best information he can procure. He shall, on or before the twentieth day of April of the present year, and on or before the first day of March, in every year hereafter, annually, complete and return the list, so taken, to the Board of Trustees; upon the return of the list by the Assessor, the Trustees shall give notice that every person or persons who may feel themselves aggrieved by the valuation of the Assessor, may appear before them at a stated meeting, to be held for such purpose, on or before the fifteenth day of May of the present year, and on or before the first of April, in each succeeding year, with their evidence, to show the true value of such property; and the Trustees, on such proof being made to them, may change such valuation.

SEC. 13. That the said Board of Trustees may, annually, lay and levy the taxes for the current year, and direct the time within which the same shall be paid, at the first meeting of the Board after the Assessor returns his list; or, if any thing should prevent the levy and tax from being then made and levied, the same may be made at the next meeting of the Board.

When taxes to be levied.

SEC. 14. That, after the first day of June, in the present year, and after the first day of May in each succeeding year, the Clerk of the Board of Trustees shall record, in a book by him to be kept for that purpose, the Assessor's list, with any corrections that may have been made therein by the Board of Trustees; and the said list, thus recorded, or attested copies thereof, by said Clerk, shall be received in evidence in any Court of Justice, and shall be *prima facie*, that the Assessor complied with all the duties prescribed to him by law; and shall also be *prima facie* evidence that the laws in relation to the fixing and adjustment of the taxes have been regularly complied with by the Board of Trustees and its officers.

Assessor's list to be recorded

SEC. 15. That the Treasurer, appointed by the Board of Trustees, shall take an oath faithfully and honestly to discharge the duties of his office, and shall execute bond, with good security, and in such penalty as the Trustees may require, which penalty shall not be less, at any time, than one thousand dollars, and which bond shall be conditioned to pay over all moneys which may come to his hands, as Treasurer, to the Trustees or their order, and to perform all

Treasurer to take oath and give bond.

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His duties.

the duties imposed on him, by law, as Treasurer, and may contain such other stipulations as the Board may think proper to require; the Treasurer shall receive and give a receipt for all moneys paid or received; he shall receive and receipt for all paid to the Board of Trustees; he shall keep a fair record of all the fiscal concerns of the Board, and record, in order, the appropriations of said Board, as certified to him by the Clerk, and pay the same according to their order; he shall pay no moneys without receiving a copy of a resolution of the Board of Trustees, signed by the Clerk, making such appropriation; and he shall file all received by him, for settlement, by resolution of the Board; his book shall, at all times, be open to the inspection of persons having claims upon the Board, upon reasonable notice; the Treasurer shall be, and is hereby authorized to receive and receipt for all taxes that may be paid to him on or before the first day of August of the present year, and on or before the first day of July, in each year hereafter, by those persons who may owe the same. He shall, on or before the first day of August, of the present year, and on or before the first day of July in each succeeding year, annually report to the Clerk of the Board a true list of all the taxes and moneys received by him, with a list of those taxes and dues which remain unpaid at that time; he shall be allowed such compensation for his services as the Board of Trustees may direct, not exceeding five per cent. on all the moneys received and paid out by him under the order of the Board; he shall also, whenever required by an order of the Board to that effect, attend and report to the Board the condition of the Treasury, and shall, at all times, be ready for a settlement.

Clerk to take
oath and give
bond.

His duties.

SEC. 16. That the Clerk, appointed by the said Trustees, shall take an oath, faithfully and impartially to discharge the duties of his office, and shall execute bond, with such condition and with such security as shall be required by the Board; it shall be his duty to preserve the books, papers, records, and everything belonging to his office; and deliver the same to his successor in office; he shall keep a regular journal of the proceedings of the Board, with a regular account of the fiscal concerns thereof. He shall file and preserve the poll books, annually, and shall record all the acts, resolutions and orders of the Board; he shall take all bonds and agreements and records, and preserve all contracts and agreements made between the Board of Trustees and other persons; he shall copy and sign all resolutions, orders, claims, and allowances when required to do so, by persons having claims against the Board; he shall file and preserve, annually, the Assessor's books; he shall make out a fair list of the persons and property liable to taxes, with the amount due by such persons or property, in alphabetical order, and place the same in the hands of

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the Treasurer on or before the first day of June, of the present year, and on or before the first day of June in each succeeding year annually; and he shall file and preserve the report of the Treasurer of those taxes which have not been paid; and he shall make out and place in the hands of the Marshal, a list of the persons and property by whom, or on which taxes and dues to the town remain unpaid, and the amount of the same respectively.

SEC. 17. That the Marshal, appointed by said Trustees, shall be appointed annually, and shall take an oath faithfully to discharge his duties, and shall give bond, with approved security, in a sum not less than five hundred dollars, conditioned faithfully to discharge the duties of his office; and which bond may also contain any other condition that the Board may think proper to require; he shall have all the power and authority, within the county of Wayne, to collect the taxes, dues and demands of said town, in the same manner that Sheriffs have to collect the county levy and State revenue; and shall have full power in said county, to serve notices, and also to execute all warrants and processes from the Police Judge, and levy and perfect executions upon all orders and judgments of the Police Judge; he shall serve and execute all orders and notices made or issued by the Board, and make due return on the same; he may have a deputy, by and with the advice and consent of the Board, and shall, together with his securities, be as fully responsible for the neglect, misconduct, malfeasance, or other default of his deputy, as though he himself had been guilty of said neglect, misconduct, malfeasance, or other default, in his proper person; he shall be entitled to the same fees and per cent., for collecting the town tax, penalties, and forfeitures, as Sheriffs and Constables are in like cases, where it is not otherwise provided for by this act, or the order of the Board. He shall be entitled to a fee of one dollar for serving a peace warrant, or warrant for a rout, riot, affray, or breach of the peace, and for all warrants where fines are to be assessed by a jury, before the Police Judge; and a fee of twenty five cents for all other warrants for penalties, forfeitures, and debts, tried by the Police Judge without a jury; he shall be entitled to a fee of twelve and a half cents for summoning a witness, and to the same fee from the State, to be paid out of the Treasury and county levy, for serving felony warrants, and warrants against slaves for misdemeanors, as Constables are for like services. The Marshal, and his deputy, are authorized to take replevin bonds on all executions in which a replevy is allowed by law, and make the same payable, in three months, to the plaintiff in the execution.

Marshal to take oath & give bond.

His powers & duties.

May have a deputy.

SEC. 18. That the Board of Trustees of the town of Monticello shall have power and authority to assess, annually, levy, and collect, a tax on all real and personal estate

May levy and collect taxes annually.

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Lien to exist
on lots, &c., for
taxes.

May license
taverns, &c.

within the limits of said town, not to exceed five cents on the hundred dollars worth of property; they shall have power to levy and collect, a poll tax, not exceeding fifty cents on all free male persons in said town, over the age of twenty-one years; they may tax all theatrical performances, shows and exhibitions of all kinds, in any sum not exceeding five dollars for such exhibition, on any one day; they shall have a lien on all real and personal estate in said town, until all the taxes due by the owners thereof are paid; and all such property shall be liable to be sold, or so much thereof as will pay such tax and costs of sale; they shall have power and authority to levy and collect, a tax on each grocery, not less than twenty-five, nor more than one hundred dollars per year; and to levy and collect a tax on each store, not exceeding twenty cents on the hundred dollars, according to the valuation; they shall have the right to tax, and the exclusive right to license, all taverns, groceries, victualers, confectioners, retailers, and houses of public resort, excepting gambling houses, or houses of ill fame, within said town, and fix the tax therefor, in a sum not exceeding one hundred dollars, per annum, and to discontinue the said licenses, or any one thereof, at pleasure: *Provided*, that they shall cause their Treasurer to pay, annually, to the Trustee of the Jury Fund of Wayne county, out of said tax, for licenses, the amount belonging to the public revenue; and the said Board shall be bound to make their annual reports of the amount of tax received therefor, and pay over the amount due thereon to said Trustee, in the same manner that Clerks of the County Courts are required to do, and under the same penalties; and shall be liable to be proceeded against by the Auditor for any default, in the same manner. Any law giving the County Court of Wayne county the power to grant tavern license within the limits of said town is hereby repealed: *Provided, however*, that the provisions of this act shall in nowise change the mode of listing merchandise for taxation, in said town, for the State revenue, or the collection of the tax thereon.

Police Judge,
how recommended & appointed:
his powers,
duties and liabilities.

Sec. 19. That the Police Judge of the town of Monticello shall be recommended by the Board of Trustees, and be appointed and commissioned by the Governor, for the term of one year; and shall have jurisdiction, within the limits of said town, of all misdemeanors, and of all causes, civil, criminal, or penal, in which Justices of the Peace have jurisdiction; and that in criminal and penal cases, he shall have the jurisdiction now given by law to two Justices of the Peace, and shall proceed in the same manner that Justices of the Peace are required to proceed in such cases; he shall have full power and authority to require bail, and receive the acknowledgment and execution of recognizances of bail in all cases originating before him, in which bail is,

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or may hereafter be, authorized or required by the law of the land; and such recognizances shall be taken in such form, and be returned in such manner, as is or may be prescribed by the several laws authorizing or requiring bail; he shall be a conservator of the peace, and have jurisdiction over affrays, assaults and batteries, riots, breaches of the peace, unlawful assemblies, all cases of indecent or immoral behaviour or conduct, calculated to disturb the peace and dignity of said town; over all cases of drunkenness, profane swearing, running horses, firing guns or pistols, making reports by burning powder, or matches, or crackers, blowing horns, flying kites, crying aloud by day or night, and all other riotous conduct whatever, within said town, all of which are hereby declared to be misdemeanors; he shall have jurisdiction of all offences or causes arising out of the by-laws and ordinances passed by the Board of Trustees, for the enforcement of the powers granted them by law; he shall have power to order the Marshal to summon a jury in any case cognizable before him, when a jury would be required before the Circuit Court, or a Justice of the Peace, and in all cases when the amount of the fine is not, or may not be fixed by law, the same be ascertained by the verdict of a jury; he shall have power to issue summonses for witnesses in cases pending before him, and, upon their failure to attend, may award compulsory process to compel their attendance; he shall have power, without the intervention of a jury, to fine and imprison for contempts: *Provided*, the fine does not exceed ten dollars, nor the imprisonment twelve hours; it shall be lawful for him to take depositions, and certify the same when they are to be read as evidence in any cause pending in any Court in this Commonwealth; he shall keep a record of his proceedings, a copy of which shall be evidence in all Courts of Justice, and have the same effect as records of Justices of the Peace; all trials before the Police Judge shall be held and had in the town of Monticello.

SEC. 20. That the Police Judge shall issue his process in the name of the Commonwealth, as other warrants, except in cases otherwise provided for in this act, and make them returnable before him, as Police Judge of Monticello; the same shall be directed to the Marshal, or to any Constable of Wayne county, and shall be executed and returned by the Marshal, or Constable, as the case may be, under the same penalties as other processes from Justices of the Peace: *Provided, however*, that when any prosecution is instituted and carried on at the instance of the Board of Trustees, the warrant shall state that it issued at their instance, in which case they shall be entitled to the fine or penalty recovered; and in case the defendant or defendants are acquitted, the said Trustees shall be liable for such costs as may be adjudged in favor of the defendant or de-

Process of Police Judge, how issued, and by whom to be executed.

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Police Judge's
fees.

fendants; the Police Judge shall be entitled to a fee of one dollar for a peace warrant, and for warrant for a riot, rout, or breach of the peace, or unlawful assembly, or affray, or for any misdemeanor, or for a breach of any of the laws in relation to the town of Monticello, or of any by-laws or ordinances of the Board of Trustees; he shall be entitled to a fee of twelve and a half cents for recording judgment; twelve and a half cents for an order of sale; twelve and a half cents for a subpoena, and twelve and a half cents for a certificate; and in all other cases his fees shall be the same as those of a Justice of the Peace for like services.

Trustees may
make by-laws.

SEC. 21. That the said Trustees shall exercise and possess all the powers and privileges which, by the general laws of the land, in relation to towns, are granted to Trustees, and shall have full power and authority to make all the necessary by-laws and regulations, for the purpose of carrying into effect the powers granted by this act, and also, such as may be necessary for the comfort, cleanliness, good order and security of said town, and the citizens thereof; and may enforce the same by adequate penalties, to be recovered in their name before the Police Judge, or any Justice of the Peace: *Provided*, the same are not contrary to the constitution or laws of the land. No suit shall be instituted against the said Trustees unless the same is instituted in the county of Wayne, and service of process on the Chairman of the Board shall be sufficient. Each and every act, or section of an act, coming within the purview of this act, except such acts as have been passed for the benefit of individuals, is hereby repealed. This act shall be in force from the passage thereof.

Approved February 26, 1848.

CHAPTER 375.

AN ACT directing a change of venue in the prosecution against John Lamb.

Be it enacted by the General Assembly of the Commonwealth of Kentucky. That the prosecution now pending in the Jefferson Circuit Court against John Lamb, on a charge of felony, shall be removed to the Circuit Court for Bullitt county, pursuant to the provisions of the act, entitled, an act prescribing the mode for a change of venue in criminal cases, approved February 23d, 1846.

Approved February 26, 1848.

CHAPTER 376.

1848.

AN ACT for the benefit of Nathaniel D. Burks and Magdalen Burks.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the marriage contract existing between Nathaniel D. Burks and Magdalen Burks, be and the same is hereby dissolved, and they are hereby restored to all the rights and privileges of unmarried persons; and the said Magdalen is restored to her maiden name of Magdalen Ayres.

Approved February 26, 1848.

CHAPTER 377.

AN ACT to divorce William Humphreys, of Hickman county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That William Humphreys, of Hickman county, be and he is hereby divorced from his wife, Brittaniam Humphreys, and restored to all the rights and privileges of an unmarried man.

Approved February 26, 1848.

CHAPTER 378.

AN ACT allowing an additional Constable to Wayne county, and for other purposes.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That an additional Constable be allowed to the county of Wayne, who shall reside in the district in which William Bates, Esq. lives.

Constable allowed.

SEC. 2. That the Constable's district in Wayne county, in which Martin Beatty, Esq. lives, be so extended as to include the residence of Wm. Worsham.

Constable's District in the co. of Wayne extended.

Approved February 26, 1848.

CHAPTER 379.

AN ACT to amend the Trustee Law of the town of London.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the Trustees of the town of London shall have the power to appoint a town Marshal annually, who shall take an oath faithfully to discharge the duties of his office; and shall enter into bond with said Trustees, in any sum which they may require, not less than one thousand dollars, payable to the Commonwealth of Kentucky, for the use and benefit of any one injured thereby: said Marshal shall have power and authority to collect all the taxes due, and demands arising, under the laws of

May appoint a Town Marshal, who shall take oath and give bond.

His powers & duties.

1848.

said town, that Sheriffs have to collect the county levy and State revenue; and shall have full power, in said county, to serve notices and to execute all warrants and process issued by Justices of the Peace for violations of the town laws; and shall have the same power and authority that Constables have in arresting all violators of the penal laws of this Commonwealth, which take place in the bounds of said town.

Fines to be
paid to Treasurer.

SEC. 2. That all fines collected by said Marshal shall be paid over to the Treasurer, and be applied by said Trustees as directed by the act to which this is an amendment.

Resident males
to work streets.

SEC. 3. That the resident males, between the ages of sixteen and fifty years, shall alone be required to work on the streets of said town.

Trustees may
direct improvement
of streets.

SEC. 4. That said Trustees shall have power over the streets and alleys, and side walks of said town, so as to direct the improvement of the same in such manner as they may deem proper; and when said Trustees shall order and direct any side walk or other parts of the public ground, within the limits of said town, to be paved or otherwise improved, they shall give the owner or owners of the premises, by or through which said side walk or portion of ground to be improved runs, notice of the fact that they have made such order, by delivering to them a copy thereof; and if said owner of the premises aforesaid, shall fail to make said improvements within a reasonable time, then said Trustees shall cause the same to be done and paid for out of the Trustee funds; and shall have power and authority to sue for, and collect, the amount thus expended, from the person or persons owning the premises aforesaid.

Owners of lots
to make im-
provements, and
on failure Trust-
tees to cause the
same to be made
and expense re-
covered from the
owners.

Approved February 26, 1848.

CHAPTER 380.

AN ACT to establish the office of Police Judge of the town of New Liberty, in Owen county, and regulating the duties thereof.

Office estab-
lished.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That there is hereby established, in the town of New Liberty, in the county of Owen, the office of Police Judge; and a Police Judge for said town shall be appointed by the Governor of this Commonwealth, who shall hold his office so long as he behave himself well therein; and who shall take an oath, before some Justice of the Peace of said county, faithfully and impartially, to the best of his ability, to discharge the duties of his office.

Judge to be
appointed by the
Governor.

To take oath.

Jurisdiction,
powers & duties

SEC. 2. The said Police Judge shall have jurisdiction, within said town, of civil causes, to the same extent that Justices of the Peace now have in this Commonwealth; and shall have the same jurisdiction of crimes and misdemeanors committed within said county of Owen, that Justices of

1848.

the Peace now have ; and shall have full jurisdiction, within said town, of all offences against the by-laws and ordinances of said town ; and shall have power to enter judgments, and issue executions, for all fines and penalties for such offences. He shall have power to grant attachments, and injunctions, and writs of *ne exeat* to the same extent as the Justices of Peace, selected by the County Courts now have. It shall be the duty of said Police Judge to keep a record of his proceedings, copies of which shall be evidence, to the same extent, and for the same purpose, that copies of the records of Justices of Peace now are. He shall have full power to issue subpoenas for witnesses, and other process, to compel attendance of witnesses before him ; and to punish all contempts against his authority, by fines, not exceeding five dollars in each case, and by imprisonment, not exceeding six hours. He shall have power to order the Marshal to summon a jury in cases cognizable before him, where a jury is required by law. He shall have power to take and certify depositions, as Justices of the Peace now have, which shall be allowed to be read as depositions are now allowed to be read, taken before, and certified by, Justices of the Peace. He shall be entitled to the following fees, to-wit : For a Peace warrant, fifty cents ; for a warrant in cases of riot, rout, or unlawful assembly, or breach of the peace, fifty cents ; for a warrant for violation of any by-law or ordinance of said town, where the Trustees of the town are plaintiffs, twenty five cents ; for swearing a jury and presiding over trial, fifty cents ; for subpoenas, twelve and a half cents each ; for original judgment in all civil cases, twenty five cents. All other fees shall be the same as those of Justices of Peace for like acts ; and shall have power to collect in the same way. He shall have jurisdiction of all cases of motions and suits against the Treasurer, Marshal, Clerks, and other officers of said town, for all sums of money received and paid out by him, whenever required by any one to take cognizance thereof.

His fees.

Sec. 3. Appeals from all judgments rendered by said Police Judge, in civil cases, shall be allowed to any party, under the same rules and regulations, and to the same tribunals, as appeals are now allowed from judgments of Justices of Peace.

Appeals allowed from his jurisdiction.

Approved February 26, 1848.

CHAPTER 381.

AN ACT to incorporate a Turnpike Road Company from Versailles to Midway.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That a Company shall be and is hereby incorporated, for the purpose of constructing a Turnpike

Objects of corporation.

1849.

Capital stock.

Road from Versailles, or from any point on the Turnpike Road from Versailles to Frankfort, northwest of the toll-gate on said road, that said Company may designate, to the town of Midway, whose capital stock shall be \$20,000, to be divided into shares of \$50 each; which capital stock may be increased, by additional subscriptions, in manner and form as the President and Directors of said Company may think proper, if such enlargement shall be found necessary to fulfil the intent of this act.

Books to be
opened in Ver-
sailles, and by
whom.

SEC. 2. That a book of subscription, for the stock of said Company, shall be opened in the town of Versailles on the 1st Monday in April next, under the superintendence of William S. Buford, Jacob Harper, R. D. Harris, Robert H. Davis, Samuel B. Wallace, Wm. Shouse, and Wm. Voorhies, or some one or more of them, who are hereby appointed Commissioners; and the subscribers to the stock of said Company shall enter into the following obligation in said book, viz: We, whose names are hereunto subscribed, do hereby bind ourselves to pay to the President and Directors of the Versailles and Midway Turnpike Road Company, the sum of fifty dollars for each and every share of stock in said Company set opposite to our names, in such manner and proportions, and at such times as shall be required by the President and Directors of said Company. The Commissioners attending, shall permit all persons of lawful age, the County Court of Woodford, the Trustees of the town of Versailles, and those of the town of Midway, to subscribe for any number of shares of the capital stock of said Company they may think proper.

Obligation of
subscribers.

Who may take
stock.

Meeting to be
called; notice to
be given; Presi-
dent and Direc-
tors to be elec-
ted.

SEC. 3. That when 150 shares of the capital stock of said Company shall have been subscribed, the Commissioners aforesaid, or any one or more of them, shall call a meeting of the subscribers, to be held in the town of Versailles, on some day to be fixed by them, of which meeting they shall give at least thirty days notice, by posting the same in the towns of Versailles and Midway, for the purpose of electing a President and four Directors, to serve until others are elected and qualified; and that all future elections shall be on the first Saturday in April, in every successive year, at such place as the President and Directors, for the time being, shall designate.

Name, style,
and corporate
powers.

SEC. 4. That the Company formed and organized, as aforesaid, shall be and they are hereby created a body politic and corporate, in deed and in law, forever, by the name and style of the President and Directors of the Versailles and Midway Turnpike Road Company; and, under the said style and name, shall have perpetual succession, and all the privileges, immunities and franchises of a body politic and corporate; and, as such, shall be capable of contracting and being contracted with, of purchasing,

1848.

taking and holding, to them and their successors and assigns, and of selling and conveying, in fee simple, all such lands, and tenements, and estate, real, personal and mixed, as shall be necessary to them in the prosecution of their work; and to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, before any and all judicial tribunals whatsoever; and also to make, have, and use, a common seal, and the same to break, alter or renew, and to do any and every act which a body politic and corporate may lawfully do.

SEC. 5. That the President and Directors of said Turnpike Road Company shall be governed, in the location and construction of said road, as also in all other respects, by the provisions of an act of the General Assembly of the Commonwealth of Kentucky, entitled, "an act to amend and reduce into one the several acts to incorporate a Company to Turnpike a Road from Frankfort to Lexington, by way of Versailles," approved February 14th, 1835, which do not conflict with the provisions of this act; and they are hereby vested with all the power and authority, rights and privileges, tolls and emoluments, that are granted to the President and Managers of the Frankfort, Lexington and Versailles Turnpike Road Company, by the above recited act; and they are also empowered with all the rights, privileges and benefits, of the act, entitled, "an act for the benefit of the several Turnpike Road Companies in this Commonwealth," approved February 9th, 1837.

SEC. 6. That said President and Directors shall not be bound to McAdamize said road more than sixteen feet in width, and the metal to be placed in one side of said road, should they deem it proper.

SEC. 7. That each and every person compelled to work, or who have to furnish hands to work on the road contemplated to be turnpiked by this act, shall be and they are hereby exempt from working or furnishing hands to work on any other road, to the extent of one hand for each share of stock subscribed for, and paid to, said Company.

Approved February 26, 1848.

To be governed by act incorporating Frankfort, Lexington and Versailles Turnpike road, and vested with all the rights & privileges conferred by that act.

Width of road.

Persons liable to work present road exempt.

CHAPTER 382.

AN ACT to incorporate the Crittenden Mining Company.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That Wyatt S. Berry and George W. Harrison, and such other persons as may become associated with them, their successors and assigns, be and they are hereby created a body politic and corporate, by the name and style of "The Crittenden Mining Company," for the purpose of mining and manufacturing lead, and other base metals, in the county of Crittenden; and, for this pur-

Corporators names.

Name and style, & object.

1848.

pose, they shall have all the powers and privileges, and shall be subject to all the duties and requirements, contained and provided respecting such corporations, in and by an act to establish a general law concerning manufacturing corporations, approved February 15, 1841.

May hold real
and personal es-
tate.

SEC. 2. That said corporation may hold real and personal estate, within said county, not exceeding the sum of fifty thousand dollars; and their capital stock shall not exceed three hundred thousand dollars.

May be altered,
amended, &c.

SEC. 3. That this charter may hereafter be modified, amended, or repealed, as the Legislature may, from time to time, think proper and prudent.

Approved February 26, 1848.

CHAPTER 384.

AN ACT for the benefit of the Methodist Church, in Madison county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be lawful for R. E. Sidebottom and Austin Cosby to sell and convey a certain piece of land, in Madison county, known as the Siloam Meeting Ground, belonging to the Methodist Episcopal Church: *Provided,* that said Sidebottom and Cosby shall hold the proceeds of sale for the use and benefit of the said Methodist Episcopal Church.

Approved February 26, 1848.

CHAPTER 385.

AN ACT for the benefit of Ophelia Holloway, and Andrew, her son.

WHEREAS, it appears that William Holloway, deceased, (a free man of color,) and former resident of Bourbon county, in his life-time purchased Ophelia, (a woman of color,) his wife, and Andrew, (boy of color,) his son, and paid the full price for them; and said William having died without having made and published any last will and testament, and without heirs at law, and without having emancipated said Ophelia and Andrew, and they having escheated to the Commonwealth. Therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Bourbon County Court shall have full power to emancipate said Ophelia and Andrew, and to give a certificate of emancipation, upon the same terms and conditions that slaves are emancipated in other cases; and the said Ophelia and Andrew shall have the same interest in the property left by said deceased, as if they had been free at the time of his death.

Approved February 26, 1848.

CHAPTER 386.

AN ACT authorizing the erection of an additional Toll-gate on the Versailles and Anderson Turnpike Road.

1848.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the President and Directors of the Versailles and Anderson Turnpike Road Company be, and they are hereby authorized to erect, an additional toll-gate, on that portion of said road which is completed and leading from Versailles to the Woodford Landing, on the Kentucky River: *Provided*, said President and Directors shall not charge a greater toll on that portion of said road, which is now completed, than is now or may hereafter be authorized by law, at the gate already created: and where the travel passes the whole length of said road, to pay toll at the first gate passed.

Approved February 26, 1848.

CHAPTER 388.

AN ACT to amend the Road Law in the County of Knox.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That, from and after the 1st day of October, 1848, it shall not be lawful for any Justice of the Peace, in the county of Knox, to hold the office of Surveyor in any of the precincts of the State Road, in said county, where the right to appoint said Surveyors is vested in the County Court.

Approved February 26, 1848.

CHAPTER 389.

AN ACT for the benefit of William P. Woolley.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the Chancellor of the Louisville Chancery Court may, on the affidavit and petition of Geo. Hancock, Trustee of William P. Woolley, an infant, order the sale and conveyance of a certain slave named Jane, and her infant child, and so much of the real estate, in the city of Louisville, of said Woolley, and upon such terms and conditions as to the Chancellor may seem proper for interest of said Woolley.

Trustees may file petition for sale of slave, &c.

SEC. 2. That the Chancellor may make such orders, as to the disposition of the proceeds of the sales of said property, and require such bond from said Trustee, as to the Chancellor may seem proper.

Court to direct disposition of proceeds of sale.

Approved February 26, 1848.

1848.

CHAPTER 390.

AN ACT fixing the rates of toll on the Wilderness Turnpike Road.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the following rates of tolls shall be charged and collected at the toll gate on the Wilderness Turnpike Road, in Knox county, from and after the 1st day of April, 1848, viz: For each wagon, with four or more horses, one dollar; wagon, with three horses, mules or oxen, seventy five cents; wagon and two horses, mules or oxen, fifty cents; wagon with one horse, thirty five cents; break-wagon and team, one dollar; a four wheel carriage, or other vehicle, except buggies or vehicles herein mentioned, one dollar and twenty five cents; a dearborn or buggy, fifty cents; each two wheel carriage, seventy five cents; a cart, twenty five cents; each horse, mule, &c., with rider, ten cents; each horse, mule, jack or jenny, five cents; each head of neat cattle, three cents; each horse, mule or ox, in teams, five cents; each sheep or hog, one cent; each two horse mail coach, fifty cents. All persons, movers, traveling said road, five cents.

SEC. 2. That the provisions of this act shall also apply to, and be in force so far as relates to the toll gate on the Crab Orchard fork of said road, in the county of Rockcastle.

Approved February 26, 1848.

CHAPTER 391.

AN ACT to change the name of Henry Moore Henry to that of Francis Grey Henry.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the name of Henry Moore Henry be, and the same is hereby changed to the name of Francis Grey Henry, by which name he shall hereafter be called, and be authorized to use.

Approved February 26, 1848.

CHAPTER 392.

AN ACT to authorize the Mobile and Ohio Railroad Company to extend their Railroad from the south boundary line of the State of Kentucky to the Mississippi or Ohio rivers.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the Mobile and Ohio Railroad Company, when formed, under the act of the General Assembly of the State of Alabama, approved February 3, 1848, entitled, "an act to incorporate the Mobile and Ohio Railroad Company," shall be allowed the privilege of making any necessary reconnaissance and survey, for the pur-

Company allowed to make survey of route.

pose of ascertaining the most eligible route for extending their Mobile and Ohio Railroad to any point upon the Mississippi or Ohio rivers, in this State.

Sec. 2. That, as soon as said route and point shall be ascertained, the said Mobile and Ohio Railroad Company shall be allowed the right of way for the extension and construction of their said Railroad, from the Tennessee line to the Mississippi or Ohio rivers; and that they shall be entitled to all the privileges, rights and immunities, and subject to all such restrictions as are granted, made and prescribed, for the benefit, government and direction of said Mobile and Ohio Railroad Company, within the State of Alabama, by the act above described.

Route, when ascertained, to be used, and under what restrictions.

Approved February 26, 1848.

CHAPTER 394.

AN ACT to repeal the 13th and 14th sections of an act, entitled, an act to amend the road law in the county of Trimble, approved January 18, 1848.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the 13th and 14th sections of an act, entitled, an act to amend the road law in the county of Trimble, approved January 18, 1848, be and they are hereby repealed, and any and all laws repealed by the said 13th section, be and the same are hereby revived.

Approved February 28, 1848.

CHAPTER 395.

AN ACT to divorce Isabella Snelling, and for other purposes.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the marriage heretofore entered into and solemnized between Henry Snelling and Isabella, (daughter of Durham Brents, of Marion county,) be and the same is hereby dissolved, and the said Isabella divorced from the said Henry Snelling: and the marriage of William Smothers, with the said Isabella, which has been duly solemnized, is hereby confirmed and established, and the same declared to be good and valid, and shall be held and considered as such in all the Courts of this State.

Isabella Snelling.

Sec. 8. *Be it further enacted,* That John S. Petty be, and he is hereby divorced from his wife, Juliett A. Petty, and restored to all the rights and privileges of an unmarried man.

John S. Petty.

Approved February 28, 1848.

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CHAPTER 396.

AN ACT to divorce William R. Ennis from his former wife, and for other purposes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That William R. Ennis, of the county of Grant, be and he is hereby divorced from his former wife, Almada Ennis, who was Almada Albrey; and that his late intermarriage with Margaret Green, of the county Boone, be and the same is hereby legalized.

Approved February 28, 1848.

CHAPTER 398.

AN ACT for the benefit of Martha Jane Webb and Mary Jane Newland.

Name of Webb
changed to Mar-
tin.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the name of Martha Jane Webb be changed to that of Martha Jane Martin, and by that name she shall hereafter be known and called.

Authorised to
inherit.

SEC. 2. That it shall be lawful for said Martha Jane to inherit and take, by descent, the estate of Benjamin Martin, in the same way, and to the same extent, as if she were his lawful child; and that said Martin is hereby authorized to exercise the same power and authority over her that parents can, by law, exercise over their own children.

Name of New-
land changed to
Tribble.

SEC. 3. That the name of Mary Jane Newland, of Madison county, be and the same is hereby changed to Mary Chilton Tribble, and that she be hereafter known and called by that name.

Approved February 28, 1848.

CHAPTER 399.

AN ACT to incorporate the Philomathean Society of the Kentucky Military Institute.

Corporators
names, and cor-
porate powers.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That Abins C. Hunter, C. J. F. Johnson, C. N. Ford, A. S. Keith, R. E. Newland, and their associates, be and they are hereby created a body politic and corporate, by the name and style of the Philomathean Society of the Kentucky Military Institute; and, by that name and style, may have and use a common seal, with power to alter and change the same at pleasure; and may contract and be contracted with, sue and be sued, plead and be impleaded, before any Court of Judicature within this Commonwealth; and shall also have power to take and hold, by gift, grant or devise, any estate whatever, real or personal, not exceeding the value of five thousand dollars, and

to sell, exchange or convey the same, at pleasure, for the use of said Society.

SEC. 2. The members of said Society may elect, on the 25th day of February, 1848, and as often thereafter as the Society shall, by its laws direct, a President, Vice President, Secretary and Treasurer, who, after their election, shall enter upon the discharge of such duties as shall be prescribed by the laws of said Society. The President, Vice President, Secretary and Treasurer, for the time being, and their successors, shall take and hold, the estate, goods and funds of the Society; and, in law, shall be considered the corporators, and in the corporate name, may sue and be sued; and, in all suits against the corporation, service of process upon the President shall be considered good. That the members of said Society shall also have power and authority to ordain and establish such by-laws and regulations for their government as they may deem proper and necessary, which are not inconsistent with the constitution and laws of this Commonwealth, and the charter, rules and regulations of the Kentucky Military Institute. They may also appoint such other subordinate officers as they may deem proper, for the government of the Society, and may remove them at pleasure; but the officers herein specified shall hold their offices for four weeks, and until their successors are chosen: all vacancies occurring may be promptly filled.

SEC. 3. That all the books, furniture and apparatus, now belonging to said Society, shall be vested in, and held by, said Society, as fully and completely as if the same had been acquired after the passage of this act.

Approved February 26, 1848.

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President and other officers to be elected.

May hold real estate, goods, &c.

May make by-laws, &c.

May appoint subordinate officers.

Property now owned vested in Society.

CHAPTER 400.

AN ACT for the benefit of John H. Parish, Surveyor of Madison county.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall be lawful for the County Court of Madison county, if, in their judgment the public good requires it, to have a part, or all, of the original surveys which are recorded on the books kept by John Crook, late Surveyor of said county, transcribed in one or more well bound books, and a complete alphabetical index made to the same.

SEC. 2. That, if said County Court shall authorize and direct the transcribing of said books, when the same is completed they shall be presented to the County Court of said county, who shall examine the same; and if approved, such examination and approval shall be entered of record, and then the record, so transcribed, shall be deemed as valid, to all intents and purposes, as the original entries.

C'ty C't may order transcribing former Surveyors books.

Transcript to be approved by C'ty Court.

1848.

Surveyor or other person can be employed to transcribe, and compensation.

SEC. 3. That said County Court may employ the Surveyor of said county, or some other competent person, to transcribe said books, for which, and the necessary record books, they may allow a reasonable compensation; and at the next Court of Claims, succeeding such approval, shall make a levy for the same.

This act to be copied in record book.

SEC. 4. That each original survey transcribed, as aforesaid, shall be examined and attested by the acting Surveyor of said county; and a copy of this act shall be copied on the first page of one of the record books herein authorized.

Order of approval to be copied.

SEC. 5. That a copy of the order of the County Court, of the examination and approval of the transcript herein authorized, shall be entered at the end of said transcript.

Approved February 28, 1848.

CHAPTER 401.

AN ACT to establish a Police Court in the town of Mount Vernon.

Governor to appoint.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the Governor, by and with the advice and consent of the Senate, shall nominate and appoint a fit person to be called the Police Judge of Mount Vernon, in Rockcastle county.

Power and jurisdiction.

SEC. 2. That said Police Judge shall have, and exercise, all the powers and jurisdiction of a Justice of the Peace in all civil cases; and, in all criminal cases, the powers and jurisdiction of two Justices of the Peace, and be entitled to the same fees that Justices of the Peace are entitled to for similar services, except in cases of the peace, affrays, assaults, riots, routs and unlawful assemblies, in which cases he shall be entitled to one dollar for his warrant against each individual arrested, to be paid by the party who would be bound for the costs, under existing laws.

To have jurisdiction to grant injunctions, &c.

SEC. 3. That said Judge shall also have concurrent jurisdiction with Justices, who are appointed for that purpose, in granting injunctions, writs of *habeas corpus*, attachments, restraining orders, and writs of *ne exeat*.

Power to make conveyances of lots.

SEC. 4. That said Judge shall have power and authority to make conveyances of the town lots, in said town, heretofore sold, and not conveyed by the Trustees, or which may hereafter be sold by the Trustees of said town, and not conveyed by them, to the purchaser or purchasers; which conveyances, when so made, shall pass the title as effectually as though they had been made by the Trustees of said town.

Jurisdiction in cases violation town ordinances.

SEC. 5. That said Judge shall have power and authority to hear and determine all cases arising out of a violation of the Trustee laws of said town; and shall keep his office in said town, and hold his court always open for the trial

of cases coming under his jurisdiction; which court shall be a court of record.

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Approved February 28, 1848.

CHAPTER 402.

AN ACT to divorce Volney and Rachel Bedford.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the marriage contract between Volney Bedford and Rachel Bedford, his wife, be and the same is hereby dissolved, and they are hereby severally restored to all the rights and privileges of unmarried persons.

Approved February 28, 1848.

CHAPTER 403.

AN ACT to abolish certain Election Precincts in Daviess county, and establish an Election Precinct in the town of Calhoon.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the acts establishing the election precincts, in Daviess county, known as Ayer's precinct, and Wall's precinct, be and they are hereby repealed.

Precincts abolished.

Sec. 2. *Be it further enacted,* That an election precinct be established in the town of Calhoon, in said county, and that the place of voting shall be at the House of James Landrum, in said town, until otherwise directed by law.

Precincts established.

Approved February 28, 1848.

CHAPTER 404.

AN ACT to divorce Jack Henderson.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the marriage contract heretofore existing between Jack Henderson and Zilla Henderson, be and the same is dissolved, so far as respects the said Jack, and he is restored to all the rights and privileges of a single man.

Approved February 28, 1848.

CHAPTER 405.

AN ACT to divorce John C. Wolf.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the marriage contract between John C. and Sarah Wolf, be and is hereby dissolved so far as respects the

1848.

said John C., and he is restored to all the rights and privileges of an unmarried man.

Approved February 28, 1848.

CHAPTER 406.

AN ACT to divorce Mary E. Crane.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the marriage contract heretofore existing between Mary E. Crane and John M. Crane, be and the same is hereby dissolved so far as respects the said Mary E., and she be restored to all the right and privileges of an unmarried woman, and to her maiden name, Mary E. West.

Approved February 28, 1848.

CHAPTER 407.

AN ACT to divorce Julia G. and Nicholas M. Taylor.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the marriage contract heretofore existing between Julia G. Taylor and Nicholas M. Taylor, be and the same is hereby dissolved, and each of them are restored to all the rights and privileges of single persons.

Approved February 28, 1848.

CHAPTER 408.

AN ACT for the benefit of the Sheriff of Laurel county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Sheriff of Laurel county have until the 25th day of May next to return his revenue delinquent list for the year 1847; and that he have until the next regular term of the Court of Assessment, for the seventy fifth regiment, to return his delinquent list of militia fines listed with him in 1847.

Approved February 28, 1848.

CHAPTER 409.

AN ACT to enlarge the powers of the Trustees of the town of Mount Washington, in Bullitt county.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That so much of an act, approved the 22d February, 1834, entitled, "an act for the benefit of Lewis Snap, and to define the powers of the Trustees of the town of Mount Washington," as prohibits the Trustees

Act of 22d February, 1834, repealed.

of said town from expending the money collected upon the lots fronting the Cross street upon which said Lewis Snap then resided, except in the improvement of said Cross street, be and the same is hereby repealed.

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SEC. 2. *Be it further enacted*, That the Trustees of the said town shall have, and they are hereby invested with, power to levy and collect, a poll tax upon the free male citizens of the said town, not to exceed the sum of one dollar, including the sum they are now authorized to levy and collect, the same to be laid out, used and expended for the use and benefit of said town.

Trustees may
levy and collect
poll tax.

Approved February 28, 1848.

CHAPTER 410.

AN ACT for the benefit of Thomas Phipps, late Sheriff of Ohio county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the time of two years, from and after the passage of this act, shall be allowed to Thomas Phipps, late Sheriff of Ohio county, and his deputies, to collect fee bills, militia fines and taxes, remaining in his or their hands uncollected at the expiration of his term of office.

Approved February 28, 1848.

CHAPTER 411.

AN ACT for the benefit of Joel Sweeney.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Joel Sweeney, Clerk of the Casey County Court, be allowed the sum of fifteen dollars, which sum he has been compelled to pay into the Treasury on account of a Pedler's license improperly issued by him; and the Second Auditor is directed to issue his warrant upon the Treasurer for said sum, to be paid out of any money in the Treasury not otherwise appropriated.

Approved February 28, 1848.

CHAPTER 412.

AN ACT to incorporate the Harrod's Creek Academy, in Oldham county.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That Thomas J. Woolfolk, Richard W. Snowden, Francis Snowden, John W. Shrader, Owen Magruder, Charles Barrack and James S. Crutchfield, of Oldham county, and their successors in office, shall be and

Corporate
name and corpo-
rate powers.

1848.

are hereby constituted a body corporate, to be known by the name and style of the Trustees of the Harrod's Creek Academy; and, as such, may sue and be sued, plead and be impleaded, in all Courts in this Commonwealth and elsewhere.

May hold lands and other property, and sell & convey the same

SEC. 2. That the corporation shall have power to acquire, and hold by purchase, devise or otherwise, all such lands and tenements, money and property, as the Trustees thereof may think proper to purchase, or such as may be given or devised to said corporation; and the same, and all the real estate and personal property, owned by them, to dispose of, by bargain and sale, or by any other mode, at pleasure, for the use and benefit of said Academy.

Trustees to control the affairs of the corporation, and may appoint other officers.

SEC. 3. That the real and personal estate, business, property, funds, and prudential concerns of said Academy, and the administration of its affairs, shall be under the direction and control of said Trustees, and their successors in office; and they may appoint a Treasurer, Clerk, and such other officers as they may deem necessary, fix their compensation, define their powers, and prescribe their duties, and require of them such bonds, in such penalties, and with such conditions and sureties as they may deem right. Any of said officers may be removed by the Trustees, stating the cause of such removal on the books.

May make by-laws.

SEC. 4. That the Board of Trustees, four of whom shall constitute a quorum, may, from time to time, make such by-laws, rules and regulations, for their own government, and superintendence of said Academy, and all matters appertaining thereto, which they may judge expedient and proper, not contrary to this charter, nor the constitution and laws of this Commonwealth. The Board shall have power to appoint a principal teacher, and such assistant teachers as they, in their discretion may deem necessary; and shall have power and authority to remove any teacher for good cause, to be noted on the books of the Trustees. They shall also have power and authority to enforce the collection of any subscription, fines, or other dues to said Institution.

Principal and Assistant teachers may be appointed and removed.

How funds of corporation to be used and expended.

SEC. 5. That all the estate, money, property and funds of the corporation shall be used in such manner as the Trustees may think proper, in the construction of such buildings as they may deem needful, and the purchase of such books, maps, globes or philosophical apparatus, for the use of said Academy, as they may think proper; a majority of the Trustees remaining in office shall fill all vacancies which may happen, by resignation, death or otherwise. Removal from the county of Oldham, refusal or failure to attend the Board of Trustees when notified by the President of the Board, shall be a forfeiture of the office of Trustee: *Provided, however*, that the said Board may excuse any absentee for good cause shown.

Vacancies—how filled.

Forfeiture of office.

SEC. 7. That the said Trustees shall have perpetual succession, and it shall not be necessary for said corporation

to procure a common seal; but all of its acts shall be manifested and made known by the signature of the President of the Board, affixed to the document, contract, or writing executed, or by some entry or memorandum made on the records of the corporation; and all contracts, deeds or writings, made and executed, or entered into in the name of the corporation, and signed by the President, in his official capacity, in manner aforesaid, shall be good and binding in law. The President of the Board shall be elected annually, a majority of all the members present concurring.

1848.

How acts of
corporation to
be authenticated

Approved February 28, 1848.

CHAPTER 415.

AN ACT for the benefit of Frederick Gosney.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Second Auditor of Public Accounts be, and he is hereby directed to issue his warrant on the Treasury of this State, in favor of Frederick Gosney for the sum of fifty dollars, being a compensation for keeping and supporting Greenberry Gosney, an idiot, from the — day of April, 1846, to the — day of October, 1847, to be paid out of any money in the Treasury not otherwise appropriated.

Approved February 28, 1848.

CHAPTER 416.

AN ACT for the benefit of N. E. Wright.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Second Auditor is hereby authorized and required to issue his warrant on the Treasurer for the sum of ten dollars, in favor of N. E. Wright, of Hickman county, being the amount improperly paid by him into the Treasury.

Approved February 28, 1848.

CHAPTER 417.

AN ACT for the benefit of the town of Bloomfield.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be lawful for the Trustees of the town of Bloomfield, in Nelson county, to sell and convey a lot of land which was donated by John Bemiss, and to lay out the proceeds in purchasing a lot to enlarge the burying ground of said town; and said sale and re-investment, enlarging the burying ground, shall be held valid, in law; or

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they may add said lot of ground to the said burying ground, as in their discretion they may deem best.

Approved February 28, 1848.

CHAPTER 418.

AN ACT to amend the act relating to the town of Georgetown.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the act, entitled, "an act to amend and reduce into one the several acts relating to the town of Georgetown," approved March 1, 1847, be so amended, that the Trustees shall have the right and power to license all stores in said town, and to pass penal ordinances, so as to prevent persons from selling goods in said town without first obtaining license. The license shall in no case exceed one hundred dollars per annum, nor be less than twenty dollars.

Approved February 28, 1848.

CHAPTER 420.

AN ACT for the benefit of William B. Smith, of Warren county, and William S. Green, of Hart county.

WHEREAS, William B. Smith, a citizen of the county of Warren, is the owner of a farm in the State of Mississippi, and has heretofore removed to that State a portion of his slaves, from his farm in Kentucky; and he having expressed, by his petition a desire to reunite his slaves. Therefore,

Smith allowed
to import
slaves.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That said William B. Smith shall have the right, and he is hereby authorized, to bring back into this State, from said farm in Mississippi, the following slaves to-wit: Felix, Martha, Nathan, Viney, Dick, Joseph, Eliza, John, Maria, and her child, Andrew, without incurring the penalties of the law of 1833, against the importation of slaves into this State: *Provided*, that said Smith shall, within sixty days after bringing said slaves back, make oath, before some Justice of the Peace, that he brings them back for his own use and not as merchandise; which oath shall be entered of record by the Clerk of the Warren County Court.

Green allowed
to import slave.

SEC. 2. That William S. Green, of Hart county, shall have the right, and he is hereby authorized, to bring back into this State, from his farm in the State of Louisiana, a slave named George, aged about fourteen years, without incurring the penalties of the act of 1833, against the importation of slaves: *Provided*, That said Green shall, within sixty days after bringing said boy into this State, make oath, before some Justice of the Peace for Hart county,

that he has brought said boy back to this State for his own use, and not for merchandise; which affidavit shall be recorded in the office of the Clerk of the Hart County Court.

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SEC. 3. That if any of the persons hereby allowed to import slaves, shall sell, or cause to be sold, any of the slaves so imported, within three years from the time of importation, he shall be deemed guilty of importing slaves for merchandise, and liable to the penalties of said offence.

Slaves imported not to be sold within 3 years.

Approved February 28, 1848.

CHAPTER 421.

AN ACT for the benefit of the administrator of Charles Carter, deceased.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the legal title to all the lands within this State, belonging to Charles Carter, deceased, (a free man of color,) late of the county of Boyle, at the time of his death, be and the same is hereby vested in A. M. Williams, the administrator, with the will annexed, of the estate of said deceased; and he is hereby authorized to sell and convey the same; and any conveyance thereof, by him, in the usual form of the conveyances of real estate, within this State, shall be held and deemed good and valid: *Provided, however*, that, before the title to the lands aforesaid shall be vested in said Williams, or he shall sell and convey the same, he shall go before the County Court of the county of Boyle, and in the same execute bond, with such security; and in such penalty as said Court may require, and made payable to the Commonwealth of Kentucky, conditioned that he will well and faithfully appropriate the proceeds of such sale as he may make of said lands, to the purchase and emancipation of a certain slave, now the property of Samuel Hocker, of the county of Boyle, the son of said deceased; and if any thing shall remain, such remainder to go to the emancipated son.

Real estate of deceased vested in administrator, and he authorized to sell and convey the same.

Bond to be executed by administrator, and its penalty and condition.

Approved February 28, 1848.

CHAPTER 422.

AN ACT to revive and amend an act to incorporate the Augusta, Cynthia and Georgetown Turnpike Company.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the act, entitled, an act to incorporate the Augusta, Cynthia and Georgetown Turnpike Company, approved February 28, 1835, be, and the same is hereby revived and declared to be in full force, so far as to authorize the said Company to lay out and make a Turnpike Road from Augusta to Cynthia; and Thomas

Revived for certain purposes.

1848.

Com'rs to receive stock.

Myers, George Donophon, Squire Shropshire, Vachel Welden, of Bracken county, and Lucien Desha, William Thompson, William Withers and Joel C. Frazer, are hereby appointed Commissioners, with authority to open books for the subscription of stock in said Company, at such times and places as said Commissioners may appoint, notice of such times and places being given in some newspaper in general circulation in the counties of Harrison and Bracken.

Capital stock.

SEC. 2. That the capital stock of said Company shall be divided into shares of fifty dollars each; all the provisions of the act hereby revived, are declared to be in full force, and two years are allowed for said Company to organize.

Approved February 28, 1848.

CHAPTER 424.

AN ACT to divorce Joel Jones, and others.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Joel Jones be and he is hereby divorced from his wife, Dicy T. Jones, and restored to all the rights and privileges of an unmarried man. That Richard Stamper be divorced from his wife, Rebecca, and restored to all the rights and privileges of an unmarried man. That Thomas Webb be divorced from his wife, Susan, and is restored to all the rights and privileges of an unmarried man. That Joy Babbitt, of Butler county, be divorced from his wife, Edy Babbitt, and is restored to all the rights and privileges of an unmarried man. That Solomon Pierce, of Bullitt county, be divorced from his wife, Betsey Pierce, and is restored to all the rights and privileges of an unmarried man. That Catharine Lemaster be divorced from her husband, Irvin Lemaster, and she is restored to all the rights and privileges of an unmarried woman. That Lumina Dycus be and she is hereby divorced from her husband, James Dycus, and is restored to all the rights and privileges of a single woman.

Approved February 28, 1848.

CHAPTER 426.

AN ACT to establish additional Election Precincts in certain counties, for certain purposes.

WHEREAS, by the act of the Congress of the United States, approved the 23d day of January, 1845, it is required that the votes to be given for the election of Electors for President and Vice President shall be given in one day, in the several States throughout the Union—the Tuesday next after the first Monday in November, in the present year: and it is represented to the present General Assem-

bly that the whole number of qualified voters, in many of the counties in this State, cannot be given in one day, without establishing additional precincts. Wherefore,

1848.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That additional Election Precincts be and the same are hereby established, for the express purpose of taking said electoral vote, and none other, in the following named counties; and the County Courts are required to appoint Judges, and a Clerk, as is now required by law, in all the counties where such precinct or precincts are, by this act, established. That is to say: In the county of Clarke, at the house of Col. Thomas Green, on Duett's creek. In the county of Larue, at the house of James P. Hamilton. In the county of Barren, at the house of Anderson Wooten. In the county of Pendleton, one at the house of Francis McKinney, and another at the house of John Fisk. In the county of Wayne, one at the house of Harrison M. Sallee, on Otter creek, and another at the house of Henry W. Tuttle, on Mill Springs. In the county of Fleming, at the house of Thomas Dougherty. In the county of Nicholas, at Head Quarters. In the county of Crittenden, at the house of John Nunn, near the coal banks. In the county of Ohio, at the House of Hezekiah Davis. In the county of Muhlenburg, at the tavern of Mr. Lovelace, in South Carrollton. In the county of Harrison, one at the house of Robert Hevelan, and one at the house of John Conner, in Connersville; also, one at the storehouse lately owned by John Evans. In the county of Garrard, one at the house of Sherrod Lane. In the county of Caldwell, one at the house of Joseph McConnell, and another at the house lately occupied by Mrs. George. In the county of Fayette, one at the store of Isaac N. Yarnall, one at Briar Hill school-house, near David's Fork, and four in the city of Lexington—one at Chiles' Hotel, one at Megowan's Hotel, one at Keiser's Hotel, and one at Gough's house—the voters residing in the four wards of the city of Lexington being alone allowed to vote in their respective wards as now laid off, or at the Court House in said city; and one at Henry & McGirk's tavern, in Slickaway, on the Turnpike from Lexington to Versailles. In the county of Bath, at the house of John Lyons, on Beaver creek. In the county of Franklin, three precincts—one at the house of Dudley M. Porter, on Flat Creek, one at the house of Wheeler Wiggs, in Bridgeport, and one at the house now occupied by J. D. Hutchison, at Peak's old mill, on Elkhorn creek. In the county of Simpson, at the house of Daniel W. Smith. In the county of Fulton, at the house of Austin Browder. In the county of Hardin, at the house of William Tarpley. In the county of Kenton, at the house of James Culbertson, near Licking river. In the county of Jefferson, at the house of James Pound, the boundaries of which precinct shall be

Object of precincts.

1848.

laid off by the County Court. In the county of Bourbon, in the village of Centreville, at such place as the County Court may select. In the county of Barren, one at the house of Thomas Walton, and another at the store of E. V. Cumming; in the town of Randolph. In the county of Knox, at the house of Joseph Payne. In the county of Trimble, at Providence School House. In the county of Trigg, at the house of Elliptt Grace. In the county of Simpson, at the house of Daniel Beansan. In the county of Livingston, at the house of the widow Harman. In the county of Madison, at the house of Joseph Searcey, in Speedville. In the county of Todd, in the town of Trenton, at such place as the County Court may select. In the county of Perry, at the house of John A. Duff. In the county of Morgan, at the house of Benjamin F. Gardner. In the county of Mercer, at the house of Abraham Voorheis, at the cross roads. In the county of Bath, at the house of James Arnold, in Wyoming. In the county of Oldham, at the house of C. A. Caplinger. In Kenton county, at the school house near Wm. J. Reddick's. In the county of Pulaski, one at the house of George Calahan's, and one at the house of John Dick's. In the county of Edmonson, at the tavern house at the Dripping Springs. In the county of Daviess, at the house of James Landrum, in the town of Calhoun. In the village of Sardis, in Mason county, at such house as the County Court may direct. In the county of Clay, at the house of Samuel Hibbard.

In Butler, changed. SEC. 2. That the precinct heretofore established at the house of Martin London, in the county of Butler, be and is hereby changed to the house of William McKinney, Sr., in the same county.

In McCracken, changed. SEC. 3. That the place of voting at the house of H. C. Pitts, in McCracken county, be and the same is hereby changed to James Wily's in said county.

In Edmonson, changed. SEC. 4. That the place of voting at the house of Richard Durbin, in Edmonson county, be changed to the widow Day's spring, in said county.

Established in Trigg. SEC. 5. That an election precinct be and is hereby established at Willonia, in Trigg county.

Established in Meade. SEC. 6. That an election precinct be and is hereby established in the county of Meade, to be held at Concordia, in the house of Howard Tyler.

In Pulaski co., changed. SEC. 7. That the place of voting in the Deboard precinct, in Pulaski county, be changed to the house of John Babbit.

City C's to appoint one Judge in favor of Convention. SEC. 8. That it shall be the duty of the several County Courts, in appointing Judges of the next August election, to select and appoint one Judge, at each place of voting, who is in favor of calling a Convention.

Approved February 28, 1848.

CHAPTER 497.

AN ACT for the benefit of the administrator and heirs of the estate of Benjamin Lancaster, deceased.

1848.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be lawful for the guardian or guardians of the heirs of Benjamin Lancaster, dec'd., appointed, or to be appointed, to file his or their petition in the Marion Circuit Court, praying for the sale of a tract of land that descended to the said heirs, from their father, in the county of Nelson, and to apply the proceeds of said sale to the payment of the debts of said deceased, so far as necessary; and the residue to hold and appropriate, as other estate belonging to said wards; and it shall be lawful for said Circuit Court, at the first term, if said Court shall, from the report of Commissioners, or proof introduced, in writing, come to the conclusion that such sale and appropriation of money will conduce to the interest of said heirs at law, order and decree the same to be done, and appoint a Commissioner to sell and convey the said land: *Provided,* that said Court shall not decree until the said guardian or guardians shall enter into bond and security, in said Court, in a penalty double the amount of the value of said land, conditioned that he or they will well and truly abide by, and perform, the decree of the Court, and pay over the money in pursuance of said decree, or any order to be made therein; which bond shall be executed to the Commonwealth of Kentucky, and suit may be brought upon the same for the use of any person therein.

Guardian may file a petition for sale of land, in Marion Circuit Court.

Power and jurisdiction of the Court.

Approved February 28, 1848.

CHAPTER 428.

AN ACT to amend an act to incorporate the Firemen's Insurance Company of Lexington, approved February 26, 1847.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That so much of the 5th section of an act, entitled, "an act to incorporate the Firemen's Insurance Company of Lexington," approved the 26th day of February, 1847, as provides that "no other person than a member of a Fire Company, in the city of Lexington, shall be privileged to subscribe for stock," and that the whole of the 7th and 13th sections be, and are hereby repealed; and that there shall be inserted, in said act, in place of the said 13th section, the following words, which shall have the same force and efficacy as if originally inserted in said act, and were part thereof, viz: That the President and Directors, for the time being, shall have power and authority, in the name of the Company, to make insurances at such rate of premium, or interest as may be agreed upon by the parties, upon all kinds of property against fire; and, also, to make all kinds

Part of act of 1847 repealed.

May insure property, vessels, &c.

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of insurance on vessels navigated by water, and property transported therein, as well as property transported by land; and, likewise, to make insurances on lives of persons; to contract for, to grant and sell annuities, and to make all kinds of contracts in which the casualties of life or property are involved; and every such contract, bargain, agreement or policy, to be made by the said corporation, shall be in writing, or print, and shall be signed by the President, and attested and signed by the Secretary or Clerk, who may be appointed by the President and Directors for that purpose.

Approved February 28, 1848.

CHAPTER 429.

AN ACT to authorize the Court of Appeals of the 49th Regiment of Kentucky Militia to hear appeals in certain cases.

Court Appeals
to hear excuses.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall be the duty of the Court of Appeals of the 49th Regiment of Kentucky Militia, at their next regular term, to hear and determine all appeals from fines assessed by the Court of Assessment held for said Regiment in the years 1845 and 1846, under the same rules and regulations as for fines assessed in 1847; and said Court shall have the same jurisdiction and authority to hear and determine all excuses offered for delinquencies, in the years 1845 and 1846, as for those of 1847.

Commandants
of companies to
notify compa-
nies.

Sec. 2. That it shall be the duty of the commandants of companies of said Regiment, respectively, at their several Spring musters, to inform their companies publicly, that the next term of the Court of Appeals, for said Regiment, has power and authority to hear excuses for delinquencies, and remit fines imposed in the years 1845 and 1846.

Approved February 28, 1848.

CHAPTER 430.

AN ACT for the benefit of George W. Boyd, Drury W. Taylor and Isham J. Jones.

Boyd permit-
ted to import a
slave.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That George W. Boyd, of Christian county, be and he is hereby authorized to import into this State, without incurring the penalty of any law to the contrary. his slave Jerry, for his own use and benefit: *Provided, however*, that he shall, within thirty days after such importation, file his affidavit in the Christian County Court Clerk's office, that he did not import such slave for sale or merchandise.

SEC. 2. That Drury W. Taylor, of Christian county, be allowed to import into this State, a slave named Paul, without incurring the penalty of any law to the contrary, upon his complying with the proviso to the first section of this act.

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Taylor allowed to import a slave.

SEC. 3. That Isham J. Jones, of Whitley county, be allowed to import into this State, for his own use, a boy slave named ———, about fifteen years old, upon his making a similar affidavit to that required by the proviso to the first section of this act, and filing the same in the Clerk's office of the Whitley County Court.

Jones allowed to import slave.

Approved January 28, 1848.

CHAPTER 431.

AN ACT to incorporate the Christian Church of Mount Eden, in Spencer county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Thomas Crutcher, J. S. Hamond, H. D. Clark, N. Sammons, J. E. Cosson and M. L. Hudson, and their successors in office, be and they are hereby created a body politic and corporate, by the name and style of the Trustees of the Christian Church in the town of Mount Eden, in Spencer county; and, by that name to have perpetual succession, with all powers incident to corporations, for the purpose of suing and being sued, pleading and being impleaded, so far as may be necessary to protect the rights, titles, property, privileges, possessions and immunities of said Church, which now does, or may hereafter belong to the same. That, whenever vacancies may occur with said Trustees, it shall be lawful for them to be filled, pursuant to the discipline and rules of said Church. The right is hereby reserved to the Legislature to alter, amend or repeal this act at pleasure.

Approved February 28, 1848.

CHAPTER 433.

AN ACT for the benefit of John Judy.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That, from and after the passage of this act, John Judy, of Clarke county, be and he is hereby permitted to trade and traffic in provisions, spun cotton, books and groceries, but not in spirituous liquors, without first obtaining a license as a pedler.

Approved February 28, 1848.

1848.

CHAPTER 434.

AN ACT for the benefit of John Swansey's heirs, of Crittenden county.

WHEREAS, it is represented to the General Assembly, that John Swansey, late of the county of Crittenden, died, possessed of a tract of land on Crooked Creek, in the county of Crittenden, on which there is a good mill seat and a mill, which, since his death, has fallen into decay and become useless; and that he left the following heirs at law, to-wit: Lucinda Vaughn, who intermarried with Henry Vaughn; Louisa R. Flannery, wife of William Flannery; Mary B. Ashley, wife of Samuel Ashley; Rebecca Ashley, wife of John W. Ashley; and John Swansey, who are of age; Martha J. Swansey, James H. Swansey, Amanda F. Swansey, William Swansey, Nancy M. Swansey, Eli Swansey, and Mary E. Grigston, only child and heir at law of Elizabeth Grigston, late Swansey; and also left a widow, Elizabeth Swansey, who is entitled to dower in the said tract of land: and whereas, owing to the many interests in said mill seat and mill, it is not worth the while of any one of the heirs to repair it; and the sale of the said mill and mill seat, and the repairing of the same would greatly increase the value of the adjoining tract of land owned by the said heirs. Therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be lawful for the heirs of John Swansey, above named, the adults, by themselves, and the infants, by their guardians, to file their petition in the Crittenden Circuit Court, reciting that it would be to the advantage of the said infants to sell the said mill seat and mill, and five acres of the land surrounding the same; and to make the widow and all others interested therein parties to the said petition; and if, upon a full hearing of all the facts, and all the parties interested being before the Court, the Court shall be of opinion that it will be for the interest of the said infants to sell the said mill, mill seat, and five acres of land, the said Court shall have power and jurisdiction to decree the said sale; and such decree and sale shall be made, in all respects, subject to the requirements, and in the manner pointed out by the act of 1813, regulating the sale of infant's real estate.

Approved February 28, 1848.

Petition may be filed in Crittenden Circuit Court, and for what purpose.

Power and jurisdiction of the Court.

CHAPTER 435.

AN ACT to incorporate the West Louisville Cemetery.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That James Guthrie, Arthur H. Wallace, Isaac Cromie, and their associates, shall be and are hereby created a body politic and corporate, by the name

Corporators names. Corporate powers.

1848.

and style of the West Louisville Cemetery Company; and, by that name, shall be able and capable, in law, to have and use a common seal, with power to sue and be sued, plead and be impleaded, and do all such other things as are incident to a corporation. The said Company shall have power to purchase and hold land, in the county of Jefferson, not exceeding sixty acres, which land, when conveyed to said Company, shall be held solely and exclusively for a Cemetery, and ornamental grounds connected therewith, and shall not be sold or used by said Company, or their alienees, for any other purpose than a Cemetery and ornamental grounds connected therewith: *Provided*, said corporation may permit their Superintendent, or other officer, to use said grounds for horticultural purposes, except so far as sold for burial purposes, but in a manner not inconsistent with the reverence and respect due to a Cemetery of the dead. The said land shall always be subject, in the hands of the holders, to the State revenue, but shall not be subject to mortgage, execution, levy or sale, for debts, except for the purchase money.

SEC. 2. That said Company may receive moneys, by gift, devise or bequest, which shall be appropriated solely and exclusively to the ornament and improvement of said Cemetery and grounds; and may vest in State stocks, or on loan, a sufficient sum, from time to time, to pay the expense of repairs and superintending said Cemetery, and the repairs of the tombs, and maintaining the ornament of the grounds, but shall never have, or attempt to exercise, any banking powers.

SEC. 3. The persons above named, shall have full power and authority to act as Trustees of said Cemetery, and may associate with themselves four other persons as Trustees thereof, should they deem it advisable; they shall appoint a Chairman and Secretary, and keep a record of their proceedings, and adopt a plan of the Cemetery and grounds, and cause the same to be recorded in the Jefferson County Court Clerk's office, with a copy of such by-laws, rules and regulations, as they may adopt for the government and regulation of said Cemetery and grounds; and from time to time, as said by-laws shall be changed or modified, or added to, such change, modification or addition, shall also be recorded, within ninety days thereafter, in the said recording office.

SEC. 4. There shall be one vote for each burial lot as laid off, and shown on the recorded plan of said Cemetery; and the persons named in this act, and the purchasers of burial lots in said Cemetery, shall have the right, from time to time, to choose Trustees for said Company; the persons named in this act shall have a number of votes, in proportion to the number of burial lots of which they shall be the proprietors, as entered on the records of the Company; and

May receive donations, &c.

Corporators to act as Trustees.

Chairman, &c., to be appointed.

Plan to be laid out.

May make by-laws, &c.

Trustees to be chosen, and by whom, and in what manner.

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the purchasers and assigns of burial lots shall have a vote for each lot held by them.

Time & place
of elections to
be fixed.

Lots to pass
by certificates,
and certificates
transferable.

Sec. 5. The by-laws shall fix the time and place of elections for Trustees, and the duration of these offices, and how vacancies shall be filled; and the burial lots shall pass, by certificate, under the seal of the Company, and shall be transferable, by assignment, in a book to be kept by the Company for that purpose, under such rules as the by-laws shall prescribe, but in no other manner; if not transferred by the grantee, they shall pass by devise, as other real estate; such lots shall never be used for any other purpose than burial lots, and if applied to any other use, the title shall revert to the corporation.

Penalty for
violating graves,
defacing tombs,
&c.

Sec. 6. If any person shall forcibly, and without lawful authority, violate any of the graves of the dead, or deface any of the tombstones, monuments, or enclosures, or injure any of the grounds, shrubbery, fixtures, or buildings, or in any manner damage the grounds of the corporation, such person or persons, so offending, besides being liable to an indictment for a misdemeanor, and punishable according to the discretion of a jury, shall be liable to the corporation in an action of trespass; and the damages, when recovered, shall be applied by the corporation to restore, as far as possible, any injury that has been done.

Approved February 28, 1848.

CHAPTER 436.

AN ACT to divorce William Grady.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the marriage contract between William Grady and Sarah A. Grady, be and the same is dissolved, so far as respects the said William, and he is restored to all the rights and privileges of an unmarried man.

Approved February 28, 1848.

CHAPTER 437.

AN ACT to divorce John L. Jackson.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the marriage contract between John L. Jackson, and Catharine, his wife, be and is hereby dissolved, so far as relates to the said John L., and he is restored to all the rights and privileges of an unmarried man.

Approved February 28, 1848.

CHAPTER 438.

1848.

AN ACT to allow an additional Justice of the Peace to the county of Pulaski.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That an additional Justice of the Peace be allowed to the county of Pulaski.

Approved February 28, 1848.

CHAPTER 439.

AN ACT for the benefit of John Rose and Elijah Chambers, of Morgan county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Second Auditor of Public Accounts be and he is hereby directed and required to issue his warrant on the Treasurer, in favor of John Rose and Elijah Chambers, of Morgan county, for the sum of twenty-six dollars and forty cents, being the amount of money expended by said Rose and Chambers in apprehending and delivering John Keeton, charged with felony, to the jailer of Bath county, at Owingsville; which warrant the Treasurer is directed to pay out of any money in the Treasury not otherwise appropriated.

Approved February 28, 1848.

CHAPTER 440.

AN ACT for the benefit of the infant children of William Carpenter, deceased, late of Mason county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be lawful for the guardian of William Carpenter, John Carpenter, Rufus Carpenter, Elizabeth Carpenter, Mary Carpenter and Joseph Carpenter, infant children and heirs of William Carpenter, deceased, to exhibit a bill, in the names of said children, by himself, as their guardian and next friend, in the Mason Circuit Court, against George W. Garrison, to have specific execution of a parol contract for the sale of five or six acres of land in said county, which may have been entered into between the said Wm. Carpenter, deceased, and said Garrison. The bill shall set forth the date, terms and conditions of said contract, and allege that it is for the benefit and future interest of said infants that said contract should be specifically executed; and if the allegations of the bill shall be sustained by the proof, and the Court shall be of opinion that it will be for the present and future interest of said infants that said contract should be specifically executed, it shall be lawful for the Court to order and decree the execution thereof, and make all such orders and decrees as will

May file bill in Mason Circuit Ct against G. W. Garrison to have parol contract in relation to land executed.

Power and jurisdiction of the Court.

1848.

accomplish justice, between the parties, and protect and secure the rights and interest of said infants.

Approved February 28, 1848.

CHAPTER 441.

AN ACT for the benefit of the town of Newport, in Campbell county.

May borrow money.

Certificates may be issued for payment, & how to be appropriated.

This act not to take effect unless adopted by qualified voters.

Certificates not to pass as bank notes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Trustees of the town of Newport, and their successors in office, a majority concurring, may borrow, when such majority deem it necessary, any sum or sums of money, not exceeding twenty thousand dollars, for any term of time not exceeding twenty years, at a rate of interest not exceeding eight per cent. per annum, the interest to be paid half yearly, if they can borrow in no other way. They may issue a certificate or certificates, signed by the President of the Board, and attested by their Clerk, binding said town for the payment of any sum borrowed: *Provided*, that any sum, so borrowed, shall be appropriated to the discharge of any existing debt of said town, or any debt hereafter falling due, contracted, or to be contracted, for the improvement of said town, or for its benefit or advantage, in any way whatever. But this act is not to take effect unless all the legal voters in said town, voting at the next election for Trustees, in March, 1848, shall vote for the same, and an entry made upon the record book of said town, by the Clerk thereof, under the direction of said Board, that this act has been adopted or rejected; and a copy of which entry, under the seal of the corporation, and signed by the Clerk, shall be deemed and considered evidence of its adoption or rejection: *Provided*, that the certificates, which may be issued by said Trustees, shall not be made payable to bearer, or made in such form as to circulate as bank notes or money.

Approved February 28, 1848.

CHAPTER 442.

AN ACT allowing additional Justices of the Peace and Constables to certain counties.

Justice to Graves.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That an additional Justice of the Peace be allowed to the county of Graves, who may reside in the district of country known as Simpsonia.

Justice and Constable to Campbell.

SEC. 2. That one additional Justice of the Peace, and one additional Constable, be allowed to Campbell county, who may reside in or near Jamestown, in said county.

SEC. 3. That an additional Constable be allowed to the county of Bath, to reside in the neighborhood of Gill's mills. 1848.

SEC. 4. That the County Court of Pulaski county shall appoint an additional Constable, who shall reside in the district of Alfred Warren, Esq. Constable to Pulaski.

Approved February 28, 1848.

CHAPTER 443.

AN ACT to change the venue in the prosecution against John A. Claywell.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That a change of venue is granted to John A. Claywell, who stands indicted in the Clinton Circuit Court, for larceny, to the county of Cumberland, in pursuance of an act, entitled, an act providing for a change of venue in criminal cases, approved February 23d, 1846.

Approved February 28, 1848.

CHAPTER 444.

AN ACT to amend an act, entitled, an act to amend in part, and repeal in part, the act establishing a road from London to the mouth of Big Laurel river, approved January 30, 1847.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the Commissioners shall be allowed one dollar per day while engaged in the duties of their office, instead of fifty cents, as provided in said act.

Allowance to Com'rs.

SEC. 2. That the Commissioners, mentioned in said act, shall have until the first day of April, 1848, to enter upon the duties of their office, as required by said act; and, upon their failure to do so, the Laurel County Court, at their May term, 1848, shall proceed to appoint Commissioners in their room and stead, who shall have the same power to execute the duties required by said act, as the Commissioners mentioned therein.

Time allowed to act on failure C'ty C't to appoint others.

Approved February 28, 1848.

CHAPTER 446.

AN ACT to establish the town of Buena Vista, in Russell county.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That it shall be lawful for James Muse, of Russell county, to lay off any number of acres of land, not exceeding forty, of the tract whereon he now lives, in said county, lying on the road leading from Somerset to Jamestown and Columbia, as a town, with the ne-

To be laid off on lands of Jas. Muse.

1848.

cessary streets and alleys, and in lots of such size as he may think proper; which town shall be known and called by the name of Buena Vista.

Trustees to be appointed, and their powers.

SEC. 2. That William Poynter, Samuel Roy, John McKinney, Alexander Cumbest and William Roy, be and they are hereby appointed Trustees of said town, who shall have the same power and authority which the Trustees of other towns of this Commonwealth possess under the general laws regulating towns.

Trustees to be elected; mode of election, and when to be elected.

SEC. 3. That it shall be lawful for the free white male citizens of said town, over twenty-one years of age, and the owners of lots in said town, who are legal voters of said county, annually to elect five Trustees for the government of said town, the election to be held on the first Saturday in April, 1849, and on the same day in each year thereafter, until which time, the Trustees herein appointed, shall remain in office, and until their successors shall be duly qualified.

Vacancies—how filled. May make by laws, &c.

To keep a record. Trustees to take oath.

SEC. 4. That said Trustees shall have power to fill vacancies which may occur in their body until their regular election; they may make such by-laws as they may deem necessary for the good government of said town, not inconsistent with the constitution and laws of this State; and they shall keep a fair record of their proceedings, as Trustees; and, before they enter upon their duties, they shall take an oath before some Justice of the Peace of said county to faithfully discharge the duties of their offices aforesaid.

Approved February 28, 1848.

CHAPTER 447.

AN ACT for the benefit of Ira H. and William George.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That a change of venue be and the same is hereby granted to Ira H. George and William George, from the county of Russell to the county of Pulaski, under the rules and regulations of existing laws: *Provided*, a grand jury of Russell county shall prefer an indictment against them upon the charge of killing William Dowell.

Approved February 28, 1848.

CHAPTER 451.

AN ACT for the relief of the widow and children of the late William R. McKee, deceased.

WHEREAS, on the ninth day of March, in the year 1843, William R. McKee and Philip Swigert leased from the State of Kentucky, all the Lexington and Ohio Railroad.

1848.

together with all the property of whatever description, real, personal and mixed, for and during the term of seven years, from and after the 13th day of March, 1843; for which the said McKee and Swigert agreed to pay the sum of ten thousand dollars at the end of each six months from the day and year last aforesaid. And it was also agreed, that an abatement of three thousand dollars, payable half yearly, annually, or at that rate until the Portland division of said road should be repaired and extended to the Ohio river—all of which will more fully appear by reference to said lease, signed by said Wm. R. McKee and Philip Swigert, as principals, and Jacob Swigert, John H. Hanna, Thomas N. Lindsey and John Watson as sureties; and, also, by Thomas Metcalfe, as President of the Board of Internal Improvement, on the part of the State, and now on file in the office of said Board of Internal Improvement: and whereas, also, the said McKee and Swigert, and their said sureties, did also execute their bond, payable to the Commonwealth of Kentucky, in the penal sum of one hundred thousand dollars, conditioned for the faithful performance, on the part of said lessees, of the stipulations and covenants in said lease, on their part to be performed; which bond is also on file in the office of the Board of Internal Improvement: and whereas, afterwards, by an act of the General Assembly, entitled, "an act to incorporate the Louisville and Portland Railroad Company," approved March 2, 1844, the Portland division of said Lexington and Ohio Railroad was subscribed by the State as stock in said Louisville and Portland Railroad Company, whereby the amount to be paid by said lessees became fixed at seventeen thousand dollars per annum, payable semi-annually: and whereas, the said Wm. R. McKee, in the year 1846, entered the service of the United States, under the proclamation of the Governor of this State, calling for volunteers to serve in the war with the Republic of Mexico, and was killed in the battle of Buena Vista, the 23d day of February, 1847, leaving a widow and — infant children: and whereas, the widow of said William R. McKee has presented her petition to the present General Assembly, representing that her late husband was a practical civil engineer, and superintended, in person, the management of said road; and that she cannot procure the services of any one to take his place and represent the interest of her and her infant children, without great loss, and a probable sacrifice of the estate left for their future support and maintainance. Therefore,

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That, upon a compliance with the conditions hereinafter mentioned, the representatives of said William R. McKee be and they are hereby released from all obligations growing out of said lease, for two years;

Representatives
how re-
leased.

1848.

from and after the 13th of March, 1848, and until the end of said seven years.

State substituted for W. R. McKee.

Who to manage.

Profits, how divided.

Conditions of this act.

SEC. 2. That, from and after the said 13th day of March, 1848, the State of Kentucky shall be substituted for, and take the place of, the said William R. McKee for the remaining two years of said lease. The Board of Internal Improvement of Kentucky and Philip Swigert shall, thereafter, manage and control said road for the remaining period of said lease, in the same manner as the same was theretofore managed by the said Philip Swigert and William R. McKee; and whatever nett profits may arise, after paying the annual rent of seventeen thousand dollars, and the necessary expenses of using said road, shall be divided between the said Philip Swigert and the personal representatives of said William R. McKee, to be assets in their hands.

SEC. 3. *Be it further enacted*, That this act shall not be in force except on the conditions following, that is to say: *First*, That the personal representative of the late William R. McKee, Philip Swigert, and the sureties of said McKee and Swigert, in their bond aforesaid, shall, on or before the 13th day of March, 1848, execute and file, in the office of the Board of Internal Improvement, their consent, in writing, to the provisions of this act; and that they, or either of them, will not take any advantage, either at law or in equity, in consequence of the change hereby intended to be made in said lease: or, if from any cause whatever, the written consent of all the said sureties cannot be obtained within the period herein and above stipulated, and the said Philip Swigert shall execute another bond in the same penalty of the existing bond, with such conditions and with such security as the Governor and Board of Internal Improvement may approve, the same shall be received in lieu of the bond executed at the commencement of said lease. *Second*, The conditions of the bond above contingently provided for, shall contain such stipulations as will secure the State for any violation which may have been committed by said lessees from the commencement to the termination of said lease. *Third*, That the personal representatives of the said William R. McKee shall file with the Board of Internal Improvement a written transfer, conveying to the State of Kentucky all the right and interest of the said McKee, acquired by the written lease aforesaid, from and after the 13th of March, 1848; and shall transfer, to be used on said road, all the material now on hand for the repair of the road and running the cars, together with all the machinery and other things pertaining to and used on said road in which the said McKee holds an interest, with this express condition, that if the annual rent be paid, and the State indemnified against loss by reason of this substitution, the machinery and other things are to revert to the personal representatives of said McKee, in the condition they are

at the expiration of the lease; but the State does not hold said representatives liable for indemnity against loss beyond the property transferred under the provisions of this act.

1848.

SEC. 4. The State reserves the right to transfer all the right, title and interest hereby acquired, to individuals or corporations; and in the event of such transfer, the State will be entitled to the profits, and will incur the loss if any.

SEC. 5. The State is not to be held responsible for any liability of said lessees created prior to said 13th day of March, 1848.

Approved February 29, 1848.

CHAPTER 452.

AN ACT to provide for a change of venue in the prosecution against Francis M. Ewing.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That a change of venue is granted to Francis M. Ewing, who stands indicted in the Adair Circuit Court, for the murder of George Wagley, to the county of Taylor, in conformity to an act, entitled, "an act providing for a change of venue in criminal cases," approved February 23d, 1846.

Approved February 29, 1848.

CHAPTER 454.

AN ACT to incorporate the Danville and Kentucky River Railroad Company.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That all persons who shall become stockholders pursuant to this act, shall be and are hereby made a body corporate, under the name of the Danville and Kentucky River Railroad Company, with power to construct and maintain a railway, with a single or double track, with such appendages as may be deemed necessary for the convenient use of the same, commencing at any eligible point in or near Danville, thence by the most practical route to such point on the Kentucky river, in Mercer county, as may be agreed upon by the Directors of said road.

Corporators.

Style.

Power, &c.

SEC. 2. The capital stock of said Company shall be one hundred and twenty thousand dollars, to be increased, if necessary to complete the road and purchase of the necessary depots at each end and along the line of the road; which capital stock shall be divided into shares of fifty dollars each, and deemed personal property.

Capital stock, and how used.

SEC. 3. James Barbour, Joseph Weisiger, John Kincaid, Tho. Barbee, A. J. Caldwell, Charles Henderson, D. A. Russell, Clifton Rodes, John Barkley, Daniel Yeiser, S. N.

Com'rs.

1848.

Bowman, S. F. Southern, John G. Talbott, S. W. Taylor, W. W. Batterton, V. H. Smith, J. H. Caldwell, R. M. Davis, E. Hutchison, William Thompson, J. R. Bryant, A. H. Bowman, John R. Smith, A. Smith, James Jones, Jno. B. Bowman and James Yagle, shall be Commissioners for receiving subscriptions to the capital stock of this corporation, agreeably to the provisions of this act.

Duty of Commissioners.

Sec. 4. It shall be the duty of said Commissioners, within thirty days after the passage of this act, to give notice, in one or more papers in Danville, Frankfort and Lexington, once a week for three consecutive weeks, of the time of opening the books for the subscription of stock; and they shall open books at Danville and Shakertown, and such other places as said Commissioners, in their discretion may deem fit; at each of which places one or more of said Commissioners shall attend, on the day fixed, and for three days successively, and during at least six hours of each day shall continue to receive subscriptions to the capital stock, from all persons or Companies who will subscribe thereto, in conformity with the provisions of this act.

Books to be opened.

Amount to be paid at time of subscribing.

Sec. 5. Each subscriber shall pay, at the time he subscribes, the sum of five dollars on each share of stock subscribed by him.

Licking and Lexington charter made applicable.

Sec. 6. That the 6th, 7th and to the 15th sections, inclusive, of an act to incorporate the Licking and Lexington Railroad Company, and Frankfort and Louisville Railroad Company, approved March 1st, 1847, be and are hereby made part of this act.

Privileges to cease upon certain conditions.

Sec. 7. If the subscribers to the Company hereby created shall not become so far organized as to elect a Board of Directors within two years from the passage of this act, and within eighteen months thereafter, make *bona fide* contracts for the construction of said road, the privileges of said corporation shall cease, and this act be void; and if said Company shall not complete said road within five years, the further privilege of constructing the same shall also cease.

Sec. 8. That from the 18th to the 23d sections of the act above referred to, be and the same are hereby made part of this act, so far as applicable.

When Directors may proceed to construct.

Sec. 9. When seventy-five thousand dollars of capital stock shall be paid in, or secured to the Directors, they may proceed to the construction of the road.

Number of Board.

Sec. 10. The Board of Directors shall not consist of more than ten, nor less than seven members, including the President; the number to be fixed by the stockholders.

Approved February 29, 1848.

CHAPTER 455.

1848.

AN ACT to incorporate a Company to construct a Turnpike Road from Frankfort to Lexington, on the Cole's Road.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That a Company is hereby formed, for the purpose of making a turnpike road from the city of Lexington, following the old Cole's road, as near as advisable, to intersect the Lexington and Versailles Turnpike near Foster's tavern, in Franklin county.

Company incorporated.

SEC. 2. The capital stock of said Company shall be sixty thousand dollars, divided into shares of one hundred dollars each, and subscriptions may be taken up, by each of the Commissioners named hereafter, for two years after the passage of this act, unless the whole amount shall be sooner taken up.

Capital stock.

SEC. 3. The following persons are hereby appointed Commissioners to perform the duties required by this act: in the county of Fayette, James W. Henderson, Nathan Payne, Abraham Vanmeter, David A. Sayre, James Weir and Thomas Dolan; in the county of Scott, Asa Payne, Charles Lewis, Merritt Williams and Joseph Patterson; in the county of Woodford, Alexander Hamilton, William S. Buford, David C. Humphreys and Joel Scott; in the county of Franklin, Jacob Swigert, A. G. Hodges, R. W. Scott, James Brown and John Scott.

Com'rs.

SEC. 4. The said Commissioners, or as many of them as may act, shall procure one or more books or subscription papers, in which the persons taking stock shall bind and oblige themselves, in writing, to pay to "The Frankfort and Lexington Turnpike Road Company," by which name and style said corporation shall be known, the sum of one hundred dollars for each share subscribed for by them, in such proportions, and at such times as shall be determined by said Company.

Duty of Commissioners.

SEC. 5. As soon as two hundred shares in said Company are subscribed for, it shall be the duty of said Commissioners, or as many of them as may act, to give two weeks notice, in some one or more newspapers printed in Lexington and Frankfort, for a meeting of the stockholders, at some convenient place to be designated in the notice, for the purpose of choosing officers for the said Company; and, in choosing the officers, the stockholders shall vote according to the number of shares they may respectively hold, one vote for every share.

Meeting, when to take place, & the purpose.

SEC. 6. The width of the road shall not be less than thirty nor more than fifty feet, and the artificial part thereof, covered with stone, shall not be less than twelve feet wide. The elevation of the grade of the road shall be fixed and regulated by the President and Managers of the Company.

Road how constructed.

1848.

City Courts of
Payette, &c.,
and Trustees of
towns, &c., can
subscribe.

SEC. 7. It shall be lawful for the County Courts of Fayette, Scott, Woodford and Franklin, the Trustees of any towns or corporations created by law, and for all natural persons, over 21 years of age, to subscribe for, and hold shares in, the capital stock of said Company; and such artificial persons or bodies as may subscribe shall have the same right to represent their shares, by an agent, that the other stockholders have.

Powers of the
President, &c.

SEC. 8. So soon as said Company is organized, the President, Managers, and other officers, shall possess all the authority, rights and privileges, and shall do all the acts and things necessary for carrying on and completing the said turnpike road, as well as laying out and locating the road; and shall be subject to all the duties, qualifications, restrictions, penalties, fines and forfeitures, (if any,) and be entitled to like tolls and profits as those given and granted to the Maysville and Lexington Turnpike Road Company; and all the provisions of an act, entitled, "an act incorporating the Maysville and Lexington Turnpike Road Company," approved 22d February, 1827, are hereby enacted as a part hereof, except so far as provided for in the preceding sections of this act, or may come in collision with the provisions of the same; also, so much of the 14th section thereof as requires notice to be given to the Governor when five miles of said road shall be completed, and a license from him to erect gates, &c.,—the President and Managers of said road being authorized to perform that duty; and, also, excepting the 27th, 28th and 29th sections of that act.

Maysville and
Lexington char-
ter applied.

Number of
gates.

SEC. 9. There shall not be more than four gates on said road, and they, or any less number shall be put up at such convenient places as the President and Managers shall, from time to time, direct.

Approved February 29, 1848.

CHAPTER 456.

AN ACT for the benefit of Sarah Jane Acuff, of Calloway county, and others.

Sarah Acuff.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the marriage heretofore existing between Joseph Acuff, and Sarah J. Acuff, his wife, be and the same is hereby dissolved, and the said Sarah J. Acuff divorced from her said husband, and restored to all the rights and privileges of an unmarried woman.

Sarah & John
Woods.

SEC. 2. *Be it further enacted*, That the marriage contract between Sarah and John Wood, of Garrard county, be and the same is hereby dissolved, and each of them is restored to all the rights and privileges of unmarried persons, and the name of said Sarah is changed to Sarah Dunn.

Approved February 29, 1848.

CHAPTER 457.

1848.

AN ACT for the benefit of Mariah Graves, of Boone county.

WHEREAS, James A. Wilson, committee of Mariah Graves, an idiot, of Boone county, was allowed for her support, by the Boone Circuit Court, up to the November term of said court, in the year 1846; and it appearing that the said James A. Wilson was, in fact, the committee of said idiot, and yet is, and did, at his own charge support her, but because of an informality in the certificate of the Physicians appointed to make report of the condition of said idiot, the court was of opinion it had no authority to make or certify the allowance for the half year next following. Therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That, upon the application of the said James A. Wilson, to the Boone Circuit Court, at the next term, it appearing that the allowance had not been made, the court may allow and certify the claim to the Auditor; and, thereupon, the said sum shall be paid accordingly.

Approved February 29, 1848.

CHAPTER 458.

AN ACT to provide for the improvement of the Road from Munday's Landing to Harrodsburg.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That William Thompson, James Turner, Joseph A. Thompson and Thomas H. Moore, be and they are hereby constituted a Board of Internal Improvement for Mercer county, for the purpose of making a Turnpike Road from Munday's Landing, on the Kentucky River, to any point on the Lexington and Harrodsburg Turnpike Road which the said Board may designate, in the direction of Harrodsburg. The said Board is hereby created a body politic, in deed and in law, and, in the name and style of the Board of Internal Improvement for the Munday's Landing and Harrodsburg Turnpike Company, and, under that name and style, shall have perpetual succession and all the privileges, immunities and franchises of a body corporate and politic; and, as such shall be capable of taking, purchasing and holding, to them and their successors, and of selling, transferring and conveying, in fee simple, all such lands, tenements, and real, personal, and mixed estate, as shall be necessary to the prosecution of their work; and to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, before all courts of record and judicial tribunals whatsoever; and to have a common seal, and to do each and every act that a body corporate may do in like cases.

Board of Int.
Imp. for Mercer
co., their duty.
&c.

Style, &c.

Powers, &c.

1848.

May open
books for sub-
scriptions, &c.

Pro viso.

Charter Dan-
ville, Lancaster
& Nicholasville
road applied.

SEC. 3. That said Board shall be, and is hereby authorized to open books, and receive subscriptions for the construction of said road, in sums of fifty dollars each, and to receive subscriptions from all persons and corporations, and from the Mercer County Court: *Provided*, the citizens of said county shall so desire.

SEC. 3. That all the provisions of an act incorporating the Danville, Lancaster and Nicholasville Turnpike Road Company, from the 7th to the 36th sections, (except the 12th, 31st, 32d, 33d and 34th,) are hereby adopted and enacted as a part of this act; and all the rules for the government of said corporation, from the 7th to the 36th sections, (with the exceptions above,) and not inconsistent herewith, are hereby adopted for the regulation and management of the Monday's Landing and Harrodsburg Turnpike Road Company.

Approved February 29, 1848.

CHAPTER 459.

AN ACT to amend the act to enlarge the town of Stanford.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That an act, entitled, "an act to extend the limits of the town of Stanford," approved February 23, 1846, shall be so amended as to authorize the Trustees and Police of said town to tax only the persons residing within the boundary added to said town by said act, and one half acre of ground including to, and with, the dwelling house of the person or persons living in said boundary; and all authority given by said act to which this is an amendment, to the Trustees of the town of Stanford to tax the land added to, and included in, said town, except the one half acre of ground with each dwelling house, as herein mentioned, shall be and the same is hereby repealed.

Approved February 29, 1848.

CHAPTER 460.

AN ACT for the benefit of Major and Elizabeth Ann Weatherspoon, of Allen county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the marriage contract between Major Weatherspoon, and Elizabeth Ann Weatherspoon, his wife, be and the same is hereby dissolved, and each one is hereby restored to all the rights and privileges of unmarried persons; and that said Elizabeth Ann be and she is hereby restored to her maiden name, Elizabeth Ann Pearson.

Approved February 29, 1848.

CHAPTER 481.

1848.

AN ACT to amend the charter of the Glasgow and Scottville Turnpike Road Company.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That all the right, title and interest, held and possessed by the Commonwealth, by virtue of stock taken, work done, or money expended by the State on the Glasgow and Scottville Turnpike, be and is hereby surrendered and given to the corporation, upon the provisions and conditions hereinafter made.

State's right surrendered, & how.

SEC. 2. That Walter Thomas, John T. Rogers, George W. Mansfield and Benedict Beverly Crump, be and they are hereby appointed Commissioners, and they shall be, and are hereby authorized, or any two of them, to open books, from time to time, and at such places as they may think proper, for the subscription of additional stock to complete the Glasgow and Scottville Turnpike Road: *Provided*, that the time and places of opening said books, for the subscription of stock, as aforesaid, shall be advertised by said Commissioners four weeks prior to opening said books, in the newspaper published at Glasgow, Kentucky, and the two newspapers now published at Bowlinggreen, Kentucky; and in taking subscriptions of stock to complete said road, the original individual stockholders in said road shall have the preference in making subscriptions of stock, and may subscribe, each in proportion to the original amount of stock held, until the amount necessary shall be subscribed to complete said road: *Provided*, that said stockholders shall subscribe the necessary amount, within two months from the time of opening said books; and should the individual stockholders fail to subscribe the necessary amount within the time above mentioned, then, and in that case, said Commissioners shall receive subscriptions of stock from any person or persons who may subscribe the same, until a sufficient amount shall be subscribed to complete said road.

Commissioners names.

May open books, &c.

Provide.

Original stockholders to have preference.

Provide.

If original individual stockholders fail other persons may subscribe.

SEC. 3. The subscribers of stock, under the provisions of this act, and the acts to which this is an amendment, shall constitute a Company, in the style and name of the Company incorporated by this act, and to which this is an amendment; and shall, in every respect, do business under, and have all the powers, rights and privileges which said Company had under the original charter, and the several amendments thereto.

Company incorporated, and their powers.

SEC. 4. That, so soon as it shall be ascertained that an amount of additional stock, sufficient to complete said road, has been subscribed, it shall then be the duty of said Commissioners, or any two of them, to give at least three weeks notice, in the newspapers heretofore mentioned, or such of them as may be in existence, appointing a time and place for the election of a President and Managers of said

Duty of Commissioners when stock sufficient to complete the road is subscribed.

1848.

road, by the individual stockholders, or such of them as may attend, being not less than a majority, in amount, of such stockholders; who shall meet at the time and place designated, and make said election.

Duty of President and Managers.

Road when to become the joint property of the State and individuals.

SEC. 5. That it shall be the duty of the President and Managers to report to the Board of Internal Improvement the number of shares subscribed under this act, and, also, the number of shares subscribed and paid by individuals under the acts to which this is an amendment; and shall, annually, report the tolls received, and the amount disbursed to cover expenses; and when it shall appear that the Company hereby created, and all individual stockholders shall have been reimbursed the principal in the cost of construction and completion, and six per cent. thereon, exclusive of expenses, to be computed from the time of subscription of said stock, said road shall then become the joint property of the State and individual stockholders, in proportion to the amount of stock paid by each, to be held and owned by them, owning and drawing dividends on the stock subscribed.

Approved February 29, 1848.

CHAPTER 463.

AN ACT to incorporate the Frankfort and Lawrenceburg Turnpike Road Company.

Company chartered.

Name & style.
Powers.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That a Company be, and the same is hereby incorporated, to construct a road from Frankfort to Lawrenceburg, by the name and style of the Frankfort and Lawrenceburg Turnpike Road Company; and, by that name, may sue and be sued, plead and be impleaded, contract and be contracted with; and to have and use a common seal, and break, alter, amend or renew the same at pleasure.

Capital stock.

SEC. 2. That the capital stock of said Company shall be fifty thousand dollars, to be divided into shares of fifty dollars each.

Commissioners; their duty.

Powers, &c.

SEC. 3. That O. G. Cates, John C. Herndon, Frank Dillon, Madison Blakemore and Jeremiah Ford, be, and they are hereby appointed Commissioners, whose duty it shall be to open books for the subscription of stock, at such places as they shall deem expedient; and they shall have power to appoint one or more persons as agents, to open books and receive subscriptions of stock; and in case any one or more of the said Commissioners shall fail or refuse to act, those of them who may act shall have the power to fill such vacancy. The said Commissioners shall give notice of the time and place for the subscription of stock.

SEC. 4. That so soon as one hundred shares shall have been subscribed in said capital stock, by individuals and corporations, the Commissioners shall give ten days' notice, in one or more of the newspapers printed in Frankfort, of the fact, and appoint a time and place for a meeting of the stockholders, in Frankfort, who shall, by vote, elect a President and five Managers, to conduct the business of the said corporation by the name and style aforesaid. The President and Managers, and all other officers of said Company, shall severally take an oath before some Justice of the Peace, faithfully to execute the duties of their respective offices. They shall, so soon as may be, proceed to locate said road, and may be authorized to receive the written consent of any of the land holders through which or near which said road may pass, and the grant of the right of way, lumber, stone, soil and timber, to make said road, and keep the same in repair; which consent, when so given, shall be valid and effectual, to every intent and purpose.

1848.

When 100 shares are subscribed Com'rs to advertise a meeting.

President, &c., to be elected.

Duty of President and Managers.

SEC. 5. That said road shall be opened and graded at least forty feet wide, and graded at an elevation not exceeding five degrees, at least eighteen feet wide at the bottom of said road, where the ground will permit such width and grade.

Road, how to be constructed.

SEC. 6. That when said road shall be opened and graded for any distance thereof, equal to four miles, and a proper and sufficient coating of McAdamized stone placed thereon, it shall be lawful for said Company to erect a gate on the same, and to collect, for the travel on said road, the same rates of toll which are charged and allowed to be collected by the provisions of an act to charter the Danville and Hustonville Turnpike Road Company, approved March 1, 1844.

Gate, when to be erected.

SEC. 7. That the general provisions of said charter of the Danville and Hustonville Turnpike Road Company shall apply to the Company hereby created, and are made parts of this charter, except so much thereof as may be inconsistent with the provisions of this act.

The Danville and Hustonville charter applied.

SEC. 8. That said Company shall be allowed ten years, after the whole amount of such stock shall be taken or subscribed, to complete the said road; and if the same shall not be completed within that time, then this charter shall be void and forfeited, for so much of said road as shall not be completed, but for no more.

Time allowed to complete the said road.

Approved February 29, 1848.

1848.

CHAPTER 463.

AN ACT to incorporate the Bardstown and Salt River Slackwater Navigation Company.

Company incorporated.
Name & style.
Capital stock.
Powers.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That there shall be, and is hereby established, a body politic and corporate, to be called and known by the name and style of "The Bardstown and Salt River Slackwater Navigation Company;" with perpetual succession of corporate powers, with a capital stock of three hundred and fifty thousand dollars, divided into shares of one hundred dollars each, to be subscribed and paid as hereinafter specified; the said corporation, by the name and style aforesaid, shall have power to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, in any and all courts of law and equity in this Commonwealth having jurisdiction in like causes of action and defence.

Objects of corporation.
Beginning point.

SEC. 2. The principal object and business of the corporation shall be, to construct a Slackwater Navigation, by Locks and Dams, in Salt river, and the Rolling fork thereof, and in the Beech fork thereof, at such time, and in such manner, and to such points on the said rivers, as may be practicable and justify the expense thereof, beginning at the lowest point on Salt river, necessary for constructing a Slackwater Navigation, and extending up the said rivers, as far as the said Company may direct and ordain, and as the capital stock subscribed and paid in, or well secured to be paid in said Company, may enable them to do.

Commissioners names.
Books to be opened, & where
Obligation.

SEC. 3. *Be it further enacted,* That J. Wood Wilson and C. P. Mattingly, of Bardstown; Charles Quirey and John S. Thixton, of Shepherdsville; William B. Hamilton and Lenton Snapp, of Mount Washington; John C. Easton and George W. Anderson, of Taylorsville; Hugh McElroy and James H. Cunningham, of Springfield; Sylvester Johnson and John Talbot, of New Haven; S. W. D. Stone and William L. Morris, of Hodgenville; A. H. Cunningham and Samuel B. Thomas, of Elizabethtown; C. D. Shean and Warren Mitchell, of Elizabethtown, be and they are hereby appointed Commissioners on the part of said Company, to open books at the several places designated, for the subscription of stock in said Company, commencing on the first day of May next. The obligation of subscribers of stock in said Company shall be, in substance, as follows: "I bind myself to pay to the order of the President of the Bardstown and Salt River Slackwater Navigation Company, the sum of \$ —, at such times, and in such proportions, as the President and Directors of said Company may direct, by order entered on the books of said Company, thirty days after the publication of said order in some public newspaper printed in Louisville. Given under my hand this — day of —, 18—.

SEC. 4. Whenever the sum of one hundred thousand dollars shall be subscribed as stock in said Company, it shall be the duty of the Commissioners to call a public meeting of the stockholders in said Company, at Bardstown, for the purpose of electing the officers in said Company, who shall consist of one President and six Directors, a Treasurer and Clerk; all of whom shall be stockholders at the time of their election. The election shall be by ballot; each stockholder shall have one vote for every share of stock in said Company, and the persons receiving the highest number of votes for the several offices above, shall be declared duly elected, and shall take an oath, before some Justice of the Peace of this Commonwealth, faithfully to discharge the duties enjoined on them by this act. The result of the election shall be entered on the books of the Company, and a copy of the oath filed with the Clerk. The elections shall be held annually, and the officers shall continue to discharge their several duties until their successors are qualified, as above.

SEC. 5. It shall be the duty of said Company when organized, and the officers thereof elected, to proceed to make surveys of the rivers aforesaid, and to cause estimates to be made of the costs of constructing locks and dams thereon, sufficient to convert the same into a complete slack-water navigation for steamboats, and all other craft navigating the same; and when the surveys and estimates are completed, the President and Directors shall hold a meeting, in Bardstown, to determine whether or not they will proceed with the enterprize, or abandon the same; and if the same shall be abandoned by the decision of said Board, the President and a majority of the Directors being present, it shall be so entered on the books of said Company, and this charter shall thenceforth cease, and the books and papers shall be filed with the Clerk of the Nelson Circuit Court.

SEC. 6. If, after the surveys and estimates aforesaid are made, the Board shall determine to construct said slack-water navigation, they shall proceed to fix upon, and locate, sites for the locks and dams; and to advertise the letting of contracts for constructing the same, for at least 30 days, in some newspaper printed in Louisville; the letting of the works shall be at the several places for performing the same: printed details and specifications shall be exhibited at the time of letting, and incorporated in the contracts, which shall be in writing; the undertakers shall execute bond, in such penalty, and with such security as may be agreed on, payable to the President and Directors, for the faithful execution and completion of the work in a specified time.

SEC. 7. The said Company shall have right to take from the lands, convenient to the rivers aforesaid, any wood, timber, rock, earth or gravel, necessary for the construction

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Meeting to be called, & when.

Officers of the Company.

Elections, how conducted.

Persons elected to take oath.

Election to be recorded on the books.

Company, when organized, to make surveys, estimates, &c.

Meeting to be held after surveys and estimates are made, and for what purpose.

Enterprise, if abandoned, to be entered on the books, & charter to cease.

Mode of proceeding if works are determined to be constructed.

May take and use timber, &c.

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May open the navigation, &c.

Providg.

Money, if tendered and refused, mode of proceeding.

Jury to consist of house-keepers.

Sheriff to return warrant, &c., to Justice; his duty.

Jury to be sworn.

Mode of proceeding after the verdict.

Justice to enter judgment.

Fees.

Costs, how to be paid.

When site of dam fixed on, how to proceed.

Duty of Justice to issue writ, and mode of proceeding.

of the several locks and dams to be constructed thereon, and to repair and renew the same; and right and power to cut away and remove any wood, timber, rock or gravel, obstructing the free and safe navigation of said rivers, or either of them: *Provided, always*, that, before they shall take any of the above specified articles, or convert the same to their use, they shall tender to the owner or owners of the several specified articles, if in the county, and if not, then to their agent or attorney in fact, if in the county, the value thereof in current money. If the owner shall refuse to accept such sum as may be tendered, it shall be lawful for the Company, or their agent or attorney, to apply to some Justice of the Peace for the county where such articles may be, specifying, in writing, the article or articles for which the money was tendered and refused. The Justice shall, by warrant, direct the Sheriff to summon a jury of house keepers of the county to meet on the premises where such articles may be, within ten days from the date of such warrant; the Sheriff shall also notify the parties of the time of meeting of the jury, and shall summon such witnesses as either party may direct; the Sheriff shall make return of the warrant to some Justice of the Peace of the county, whose duty it shall be to preside at the trial, swear the jury, and decide points of law that may arise on the trial. The jury shall be sworn to inquire and find the value of the several articles specified; and if the jury find the value not to be greater than the sum tendered by the Company, such owner shall pay the costs of the trial; but if the jury shall find the value of the articles to be greater than the sum tendered by the Company, then, before appropriating the same, they shall pay the value assessed by the jury, and also the costs of the trial, and the Justice shall enter judgment accordingly. For summoning the jury and attending the trial, the Sheriff shall be allowed the sum of two dollars, and 20 cents for summoning each witness; and the Justice, for attending the trial and recording the judgment, shall be entitled to a fee of \$1. The costs, in every case, except for summoning the owner's witnesses, shall be first paid by the Company; but, when the valuation is not increased by the jury, they shall have judgment and execution against the owner for the costs, or retain the same out of the sum assessed, and pay the owner the remainder of the valuation, or again tender the same, before they shall have absolute right to the said articles.

SEC. 8. Whenever the site of any Lock and Dam shall be fixed upon, it shall be the duty of the Company, if they cannot agree with the owner of any land on the river against which such Lock or Dam shall abut, to apply to some Justice of the Peace of the county in which such land lies, whose duty it shall be to issue a writ of *ad quod damnum*, directed to the Sheriff, commanding him to summon

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a jury of twelve house keepers to appear on the land intended to be condemned, in ten days from the date of said writ; and also to summon the parties to appear, if the owner live in the county, and to summon such witnesses as either party may direct. The Justice shall preside at the trial, swear the jury and witnesses, and decide such points of law as may arise. The Company shall cause the land they desire condemned, (which shall not exceed four acres on either side of the river,) to be surveyed, and the boundaries thereof to be specially marked—the plat of the survey shall be returned to the Justice, filed with the papers in the cause, and exhibited to the jury on the trial. The jury shall be sworn well and truly to assess the value of the land; and their assessment, with the plat and certificate of the survey, and the writ of *ad quod damnum*, and the verdict of the jury thereon, shall be, by the Justice, returned to the office of the Clerk of the Circuit Court of the county in which the land lies, and the Clerk shall file the same in his office; and, on the tender or payment, by the Company, to the owner, of the valuation assessed by the jury, the Circuit Court shall, on petition of the Company, direct the title to the land to be made to said Company; and the Court shall direct such fees to be paid to the several officers, as are reasonable, by the party who ought, in equity, to pay the same. No person who is a stockholder, shall be competent to act as Justice or Juror on said trials; nor shall any person serve as a juror who owns any land or materials, the value of which is to be ascertained by jury under this act.

Justice to preside at trial; to swear jury, witnesses, &c.
Land to be surveyed, and plat exhibited to jury.

Jury to be sworn.

Verdict returned to office Circuit Court.

Upon tender of money, duty of Circuit Court.

SEC. 9. *Be it further enacted*, That when any Lock and Dam shall be located, and the height thereof determined, it shall be the duty of the said Company to cause notice thereof to be published in some newspaper printed in Louisville; and if any person owning land on, or adjacent to, the river on which such Lock or Dam shall be located, shall fail, for six months after publication of such notice, to sue out and prosecute a writ of *ad quod damnum* to have damages assessed for the overflow of lands, tenements, or hereditaments, occasioned by such Dam, such person failing, as aforesaid, shall be deemed and considered to have waived his or her right to such damages, and shall not thereafter prosecute said writ, or any suit or action for such overflow.

When Lock & Dam located, height to be published.

Persons failing, for 6 months to sue out writ of *ad quod damnum*, lose his right to sue.

SEC. 10. It shall be lawful for any person owning land on, or adjacent to, the rivers aforesaid, after the publication of the notice provided for in the 9th section of this act, within six months thereafter, to sue out his, her or their writ of *ad quod damnum*, to ascertain, by the verdict of a jury, the damage such person may sustain by reason of the overflow of his or her lands, tenements or hereditaments, caused by the erection of any dam by said Compa-

Persons owning land adjacent to Lock & Dam may sue in six months.

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Damages to be
first paid before
dam erected.

ny ; and if damages shall be assessed in favor of any such owner of land, the Company shall not proceed in the erection of such Dam, until they shall first pay, or tender to such land owner, the amount of damages assessed ; or execute to such land owner the bond of said Company, with good personal security, payable twelve months after date, with interest from date.

Company may
purchase & hold
land, &c., for
forges, &c.

SEC. 11. It shall and may be lawful for the said Company to purchase and hold, in fee simple, any quantity of land necessary to carry on furnaces, forges, and factories, in all its various branches, and to supply the same with fuel ; to purchase and hold all things ; and to hire and employ ; to use any and all of the water power created by said dams ; for any and all manufacturing purposes they may desire, or to lease out, for a term of years, the whole, or any part of said water power. And all manufactured articles to sell, barter and exchange, at pleasure ; to receive, hold and enjoy, all rents, profits, issues, tolls, and commodities of all kinds, arising from said Slackwater Navigation, or the water power aforesaid thereon ; and to do and perform all things, enjoy the same immunities, rights and privileges, that any private person might lawfully enjoy, owning the same property, and engaged in like pursuits.

Mode of pro-
ceeding in cases
where infants
own lands.

SEC. 12. Whenever any infant shall be the owner of any land or material for constructing of Locks and Dams on said rivers, that may be condemned or appraised as above provided for, it shall be lawful for the guardian of such infant to agree with the said Company, the price of such land or material, or the amount of damage arising from the overflow ; and in case of agreement, to receive such price or damage, and receipt for the same, and convey the land condemned for abutments, to said Company ; but, in case of a disagreement between such guardian and the Company, there shall be such proceedings had as are herein provided for, on notice being given to such guardian.

May collect
tolls, &c.

SEC. 13. The said Company shall have lawful right and authority to demand and receive, from all persons navigating said streams, within the said Slackwater Navigation, with steamboats or any other kind of craft, any rate of tolls they may think proper : *Provided*, the tolls arising from the navigation thereof, after paying all necessary expenses and repairs, shall not exceed the rate of 12 per cent. per annum on the amount of the capital stock invested in the construction of said Slackwater Navigation.

Parties may
appeal from writ
ad quod damnum.

SEC. 14. *Be it further enacted*, That, in all cases where either the Company or any other person shall sue out a writ of *ad quod damnum*, as herein provided, that either party, who may consider themselves aggrieved, shall have the right to take an appeal to the Circuit Court of the county in which the trial shall be had before the Justice ; which appeal shall be taken within sixty days after the judgment

of the Justice is rendered; and it shall be docketed and tried, both as to law and fact, as an original cause brought in said court; and either party may obtain a change of venue in such cause, in the same manner, and under the same rules and regulations, as are now provided by law for the change of venue in other causes in the Circuit Courts in this State.

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SEC. 15. *Be it further enacted*, That the Dams and Locks shall be numbered, the one next to the mouth of Salt river shall be number one; the next Dam and Lock, No. 2, and so on, numbering each Dam and Lock ascending Salt river, the Rolling Fork and Beech Fork; and that said Company shall commence Dam and Lock No. 1, and complete the same before they commence Dam and Lock No. 2, and progress in the same manner as high as the Company may ascend said rivers with Locks and Dams; and that each Lock and Dam shall be completed within five years from the time it may be commenced.

Lock & Dams
to be numbered.

Lock and Dam
No. 1 to be first
commenced.

SEC. 16. *Be it further enacted*, That said Company shall not charge toll on any boat or water craft, when descending said rivers, to-wit: Salt River, Rolling Fork, and Beech Fork, if said boat or craft shall start above slackwater; and that said Company shall permit said boat or craft to pass through said Locks free of all claim or demand for toll.

No toll to be
charged on any
craft starting
above slackwa-
ter.

SEC. 17. Any and all persons with steamboats, and all other description of craft, shall have, at all times, the right and privilege of navigating said rivers within the limits of said Slackwater Navigation on the payment of the tolls assessed by the said Company. But, in no case, shall any toll be charged on any steam boat or other craft, when the water is sufficient to permit the same to pass over the Dams without passing through the Locks.

Boats to pay
toll for passing
through Locks.

SEC. 18. It shall be the duty of the said Company, by their Clerk, to keep an accurate estimate and account of the costs and expenses of constructing said Slackwater Navigation, and of keeping the same in repair; and the salaries, fees, and hires of all officers and toll Collectors, and servants employed by them, and of all tolls, rents, issues and profits, of the said Slackwater Navigation; and to make a report thereof to the Legislature of this State, at each session, within ten days after the commencement thereof.

Company and
Clerk to keep a
correct account
of expenses, &c.

Approved February 29, 1848.

CHAPTER 464.

AN ACT to incorporate the Hamilton and New Lancaster Turnpike Road Company, in Boone county, and Hodgenville Turnpike Road Company.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That a Company shall be, and is

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Name and
style of compa-
ny, and route of
road.

hereby formed, for the purpose of constructing an artificial Turnpike Road, on the McAdams plan, beginning at some suitable point within the limits of the town of Hamilton, thence with the road leading to Big Bone Lick, as near as may be deemed practicable, thence in the general direction of the road leading to Mud Lick Meeting House, thence in the general direction of the road leading to the Covington and Lexington Turnpike, near the residence of Col. James Gaines, to be known by the name and style of the Hamilton and New Lancaster Turnpike Road Company, and by that name shall be a body politic.

Capital stock.

Sec. 2. The capital stock of said Company shall be twenty-five thousand dollars, to be divided into shares of fifty dollars each. Subscriptions, towards constituting stock in said Company, shall be opened at the house of Ben. E. Garnett, in the town of Hamilton, and at the house of L. Nowell, at Mud Lick Meeting House, on the first Saturday in April next, or as soon thereafter as may be convenient, and continue open, if necessary, for two years, and shall be under the direction of the Commissioners hereafter named.

Books to be
opened, and
where.

Comm's to re-
ceive subscrip-
tions appointed.

Sec. 3. That the following persons be and they are hereby appointed Commissioners to receive subscriptions of stock: At Hamilton, John J. Miller, Hezekiah Johnson, Geo. W. Brashear, M. M. McManima and Tho. P. Johnson: At Mud Lick Meeting House, Ben. F. Bedinger, Arch. K. Gaines, James D. Polly, Joseph Hughes and James Rice.

Notice of meet-
ing of stockhold-
ers to be given,
and election of
officers.

Sec. 4. That, so soon as one hundred shares are subscribed, it shall be the duty of said Commissioners, or such of them as may act, to give notice of a meeting of the stockholders, in the town of Hamilton, for the purpose of choosing officers, by advertisement, fifteen days previous thereto, in one or more newspapers printed in Covington, and a notice to be set up in Hamilton, and at the Mud Lick Meeting House; and the voters, in choosing officers, shall be regulated by the number of shares, allowing one vote for each share.

Each share en-
titled to 1 vote.

Company,
when organized,
constituted a
body corporate.

Sec. 5. That, as soon as the Company is organized, the President, Managers and other officers of said Company shall possess all the powers, authority, rights and privileges, and shall and may do all acts and things necessary for carrying on and completing said Turnpike Road, as well as laying out and locating the road, and shall be subject to all the duties, qualifications, restrictions, penalties, fines and forfeitures, (if any,) and be entitled to like tolls and profits as are given and granted to the Paris, Winchester and Kentucky River Turnpike Road Company, and all the provisions of said act, incorporating the Paris, Winchester and Kentucky River Turnpike Road, are hereby enacted as part hereof, except so far as they are local in their application, or come in collision with the foregoing sections.

Duties, pow-
ers, &c., of offi-
cers.

Sec. 6. The elevation of the grades of said road shall be fixed and regulated by the President and Managers thereof.

Sec. 7. There shall be but two gates on said road, one within half a mile of Hamilton, and the other at or near the union of said road with the Covington and Lexington Turnpike Road.

Sec. 8. *Be it further enacted*, That a Company be, and is hereby formed and incorporated, by the name and style of the Hodgenville Turnpike Road Company; and by that name and style shall have corporate existence, and be a body politic; and, as such, and in that name, may sue and be sued, plead and be impleaded, have and use a common seal: said coporation is created for the purpose of grading and constructing, on the McAdams plan, with stone or gravel, a Turnpike Road from Elizabethtown, through Hodgenville, to intersect the Bardstown and Glasgow Turnpike Road, at or near George Brownfield's.

Sec. 9. The capital stock of said Company shall be fifty thousand dollars, to be divided into shares of fifty dollars each; and the persons hereafter named, shall have power, collectively or individually, to open books for the subscription of stock, in any county or town in the State of Kentucky, and keep them open until the amount of stock shall be subscribed sufficient to construct said road.

Sec. 10. The following persons are hereby appointed Commissioners to receive subscriptions of stock, viz: Samuel B. Thomas, Henry B. Helm, John Cofer, John Collins, Stephen W. D. Stone, William L. Morris, Jesse H. Rodman and Jefferson Brownfield. In the several books to be opened by them, there shall be written the following obligation: "We, the undersigned, severally bind ourselves to pay the several shares respectively set opposite our names, each share being fifty dollars, to the President and Managers of the Hodgenville Turnpike Road Company, in such sums, and at such times as said President and Managers, when appointed, may direct. Given under our hands and seals this — day of —, 18—."

Sec. 11. That, so soon as two hundred shares shall have been subscribed, it shall be the duty of said Commissionera, or such of them as may act, to give notice, by publication in the Elizabethtown Register, and by posting up a notice on the Court House door in Hodgenville ten days, calling a meeting of said stockholders in the town of Hodgenville, to choose a President and three Managers of said road; at which election each stockholder shall have one vote for each share of stock subscribed by him. The President, by virtue of his office, shall also be the Treasurer, and collect and disburse all moneys payable to and disbursed by said Company. The Managers may require of him, bond and security, for the faithful performance of his said office, which shall be made payable to them, and their successors in office; and, in

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Number of gates.

Hodgenville Turnpike Company.

Capital stock.

Com'rs to receive subscriptions appointed.

Obligation to be signed by subscribers.

Com'rs to give notice and call a meeting of the stockholders to elect officers.

Each share entitled to a vote.

Duties & powers, &c.

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their names, suit may be brought for a breach of the covenant, and from time to time as breaches may occur.

May call ten
per cent. on
stock each forty
days.

Subscribers
may pay sub-
scriptions in
work, &c.

President and
Managers shall
lay out road, re-
ceive releases of
right of way.

Actions for
damages must
be brought with-
in 12 months.

Grade and
width of road.

Persons through
whose land road
runs shall have
the right to
work out their
stock.

Number of
gates fixed.

Dividends.

Officers to
take oath.

Larue C'ty C't
may subscribe
for stock.

Sec. 12. The said President and Managers may call in said stock at the rate of ten per cent. for each forty days; and, upon failure to pay, when demanded, the amount so demanded shall bear interest at the rate of ten per cent. per annum; and the President and Managers may double the call. Any subscriber may pay his subscription in work, at the usual cash prices for labor on said road: *Provided*, he shall work at such time and place as the President may direct.

Sec. 13. The President and Managers shall have power to locate and lay out said road, and to receive releases for the right of way, which shall be taken, in writing; and after said route shall have been located and marked out, no action, at law or equity, shall be maintained against said Company for damages done, or the recovery of the ground over which the road may pass, unless the same be brought within twelve months from the time said Company, or their contractor or contractors, may commence working on said land.

Sec. 14. The said Company may construct the road upon such grade of elevation as they think best, and grade the said road thirty three feet wide, which may be reduced in a side cut in a hill or in any street. The McAdamized part shall be made fifteen feet wide, and constructed of stone or gravel. It shall be the privilege of each individual, through whose land said road may pass, who may subscribe stock, to work out the value of his stock, through his land, at the estimated price for the labor to be done, or he shall have the preference, at the lowest bid.

Sec. 15. The said Company shall have two gates and no more, on said road; and may, when the road is graded, set up said gates, and so regulate the tolls as not to make a greater dividend than three per cent. per annum; and when five continuous miles shall be complete, the tolls on such part may so be increased as to yield six per cent. per annum.

Sec. 16. The President and Managers of the Company, from time to time elected, shall take an oath, well and truly to discharge the duties of their respective offices.

Sec. 17. The Larue County Court, a majority of the Justices concurring, may subscribe, as stock in said road, any sum not exceeding four thousand dollars, and collectable not sooner than in four equal annual instalments. They shall vote, by proxy, as stockholders, and draw the dividends as other stockholders, and shall have the power to direct where the money, subscribed by them, shall be expended.

Sec. 18. The books, kept by the President, shall at all times be subject to the inspection of the Managers, or any

one of them, or to any individual stockholder. The Managers, a majority concurring, may remove the President from office; upon the doing of which, they shall immediately advertise another meeting of the stockholders to elect a President.

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SEC. 19. The Company hereby created, shall have all the powers, rights and privileges, and may do all acts and things necessary to the construction and keeping in repair said road; and shall be subject to like penalties, and impose the same fines as prescribed in an act, entitled, an act to incorporate a Company to construct a Turnpike Road leading from Louisville, by way of the mouth of Salt river, Elizabethtown, Munfordsville and Bowlinggreen, to the State line, in the direction to Nashville, and the several acts amendatory thereto, except so far as they may conflict with the provisions of this act; and each and every provision of said act, not inconsistent with this, is hereby incorporated, and shall constitute a part of this act, in as full, ample and complete a manner as though herein re-enacted.

Powers, duties and rights of Company specified.

Approved February 29, 1848.

CHAPTER 465.

AN ACT to incorporate the Clark's Run and Salt River Turnpike Road Company.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That a Company shall be formed, under the name and style of the Clark's Run and Salt River Turnpike Road Company, for the purpose of constructing an artificial road from the town of Danville to the intersection of the Copeland road with the road leading from Perryville to Lebanon, crossing Salt river at or near the present crossing of the Copeland road at or near the steam mill of J. P. Mitchell and the saw mill of James Brumfield, in the county of Boyle.

Company chartered, & for what purpose.

SEC. 2. The capital stock of said Company shall be twenty five thousand dollars, to be divided into shares of fifty, or one hundred dollars each, as the Commissioners may elect.

Capital stock

SEC. 3. Books, for the subscription of stock in said Company, shall be opened on the first Monday in March next, or as soon thereafter as may be convenient, at the town of Danville, under the direction of J. P. Mitchell, J. S. Hopkins, A. Sneed, Gabriel S. Caldwell, F. Ripperdan, A. Irvine and James Brumfield, or some two or more of them, who are appointed Commissioners. The said Commissioners shall procure a book or books, and the subscribers to the stock of said Company shall enter into the following obligation in said book or books, viz: "We, whose names are

Books, when opened, where, & under whose supervision.

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hereunto subscribed, promise to pay to the President, Directors and Company of the Clark's Run and Salt River Turnpike Road Company, the sum of fifty, or one hundred dollars, (as shall be determined,) for every share of stock in said Company, and agreeably to an act of the General Assembly of Kentucky incorporating said Company. Witness our hands this — day of —, 1848."

The Danville
and Hustonville
charter applied.

SEC. 4. All the sections of an act, entitled, an act to incorporate the Danville and Hustonville Turnpike Road Company, beginning at the 4th section of said act to the 35th inclusive, (except the 22d and 33d sections,) are hereby incorporated and made part of the charter hereby granted the President and Directors of the Clark's Run and Salt River Turnpike Road Company, with all the powers, rights, privileges and immunities therein contained, so far as applicable.

When gates
erected, toll-
gatherers to be
appointed.

SEC. 5. When the gate or gates shall be erected, it shall and may be lawful for the President and Directors to appoint as many toll gatherers as they may deem requisite, and to collect and receive, of every person or persons using said road, at each toll gate, for each and every five miles they may use or travel on said road, the same rate of tolls as is collected on the Danville, Lancaster and Nicholasville Turnpike Road Company; and the same persons shall be exemptee from paying toll on this road, as are exempt on the Danville, Lancaster and Nicholasville Turnpike, and none others.

Rates of toll.

President may
let out portions
of road to indi-
viduals.

SEC. 6. The President and Directors shall have the right and privilege of letting out portions of said road to individuals, who may agree to construct the same, and take it in stock: *Provided*, said President and Directors do not agree to allow none, for the construction of the same, more than the estimated cost of the Engineer.

May use stone
or gravel.

SEC. 7. That the Company shall be allowed to use stone or gravel, as they may elect, in constructing said road.

Approved February 29, 1848.

CHAPTER 466.

AN ACT for the benefit of the Sheriff of Harrison county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the proceedings of a special Regimental Court of Assessment, begun and holden at Broadwell, in Harrison county, on the 20th day of November, 1847, whereby the Sheriff of said county was allowed a credit for the sum of eighty one dollars out of the delinquents for 1843, '44, '45 and '46, in his hands, be and the same are hereby legalized; and that the said Sheriff is hereby entitled to said credit in the same manner as if allowed at the regular Court of Assessment.

Approved February 29, 1848.

CHAPTER 468.

1848.

AN ACT to incorporate a Company to Turnpike a Road from Mount Eden to Shelbyville.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That a Company shall be, and the same is hereby created, for the purpose of constructing a Turnpike Road from Mount Eden, in Spencer county, to Shelbyville, under the name and style of the Mount Eden and Shelbyville Turnpike Company.

Name of Company.

SEC. 2. The capital stock in said Company shall be fifty thousand dollars, divided into shares of fifty dollars each.

Capital stock.

SEC. 3. Books, for the subscription of stock, shall be opened on the first Monday in May next, at Mount Eden and at Shelbyville, under the direction of the Commissioners hereafter named: At Mount Eden, Levi Smith, Alexander Harcourt, Joseph Long and George Hickman: At Shelbyville, Thomas Ford, Robert Miller, F. H. Garnett, W. Waters, George Young and H. C. Offutt. The said Commissioners shall procure one or more books, and write therein the following obligation, viz: "We, whose names are hereunto subscribed, promise to pay to the President, Managers and Company of the Mount Eden and Shelbyville Turnpike Company, the sum of fifty dollars for each share of stock set opposite to our respective names, in such proportions, and at such times as may be determined on by the President and Managers of said Company, and agreeably to an act of the General Assembly incorporating said Company. Witness our hands this — day of —, 1848."

Books to be opened for subscriptions.

Com'rs appointed to receive subscriptions.

Obligation of subscribers.

The Commissioners shall give notice, in the "Shelby News," of the times and places where said books shall be opened for the subscription of stock; at which time and places, one or more of said Commissioners shall attend, and permit all persons legally qualified, whether sole or corporate, to subscribe in said books for such number of shares as they may choose; and the books shall be kept open, from time to time, at the option of the Commissioners, until the whole number of shares shall be subscribed: *Provided*, that every person subscribing, in his or her own name, or that of any other person or persons, sole or corporate, and who shall have legal authority for doing so, shall, previously, give to the attendant Commissioner or Commissioners, his, her or their note, payable sixty days after the Company shall have been organized, and the President and Managers elected, for the amount of — dollars for every share, so by him, her or them, subscribed; and no subscriber shall be bound to make, and the President and Managers shall have no power to call in, payments of stock of more than fifteen dollars in every sixty days.

Com'rs to give notice of time and places of opening books.

Subscribers to give bonds for stock.

Managers shall not require more than \$15 per share every sixty days.

SEC. 4. It shall be the duty of the Commissioners at Mount Eden, within twenty days after said books shall be opened, to notify the Commissioners at Shelbyville, in wri-

Com'rs, at the different places, shall notify each of amt of stock taken.

1848.

Notice to be
given for elec-
tion of officers.

Term of office.

When organi-
zed shall be a
body corporate.

May hold real
estate, &c

Route of road
to be located as
soon as may be.

Committee of
stockholders &
Engineer to be
appointed, &c.,
who shall re-
port.

ting, of the number of shares of stock which may be taken at Mount Eden; and the Commissioners at Shelbyville shall, in like manner, notify those of Mount Eden, within twenty days, of the number of shares of stock which may be taken at Shelbyville. And when the whole stock shall be taken, as herein authorized, ten days notice thereof shall be given by the Commissioners, at each place, by publication in the Shelby News; which notice shall also specify a day, not less than ten days after the first publication thereof, that an election will be held at Shelbyville, to choose, by ballot, and a majority of the votes of the subscribers, to be given in person or by proxy duly authorized, a President and six Managers, and a Treasurer, and such other subordinate officers as the stockholders may deem necessary, for one year, from the day of election, and until others shall be chosen and qualified. The President and Managers shall make such by-laws and regulations, not inconsistent with the laws of this State, as they may deem necessary for conducting the affairs of the Company. Said Company, when organized, shall be a body politic and corporate, in deed and in law, by the name and style of the President, Managers and Company of the Mount Eden and Shelbyville Turnpike Company; and, by that name, shall have perpetual succession, and all the privileges and rights incident to a corporation; shall be capable of taking and holding, said capital stock, and the increase thereof, if any; shall be capable, in law, of purchasing, taking and holding, to themselves, their successors and assigns; shall have power to sell, transfer and convey, in fee simple, or to purchase, all such estate, real, personal and mixed, as may be necessary for them in carrying on and completing their work; shall have power to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended; and shall have power, also, to make and use a common seal, and the same to break, alter and renew at pleasure, and to do all and every other matter and thing which a corporation or body politic may lawfully do.

SEC. 5. As soon as practicable, after the Company is organized, the President and Managers shall proceed to locate and determine the route of said road, by appointing a committee of three of the stockholders, (any two of whom may act,) and a competent Engineer, none of whom shall be interested in any of the land through which said road is to pass, whose duty it shall be to examine the ground and fix upon the best route for said road, commencing at Mount Eden, and running thence in the best and most proper direction in their opinion, so as to intersect the Louisville and Lexington Turnpike Road at Shelbyville; which committee and Engineer shall, with all diligence, make report of said location and route, in writing, to the President and Managers.

SEC. 6. The President and Managers aforesaid, shall be governed, in the construction and making said road, and in other respects regarding said road, by the provisions of the act incorporating the Maysville, Washington, Paris and Lexington Turnpike Road Company, and the acts amendatory thereof, not contrary to the foregoing sections of this act, and shall charge the same rate of tolls; except that said Company shall not be compelled to construct said road to exceed, in width, fifteen feet of McAdamized road, and thirty-three feet of graded road: *Provided*, that said President and Managers shall not have the right to erect, on said road more than two toll-gates, neither of which shall be within less than one mile from the town limits of Mount Eden or Shelbyville, but shall have the right to erect a gate whenever five miles of continuous road shall be completed.

SEC. 7. The President and Managers of said road are hereby vested with power to let out the construction, making and completing said road, by sections, to individuals or companies, at such prices as may be agreed on between them, taking from the undertakers such obligations, with security, as will insure a compliance with the contract, payable to the President and Managers of the Company: *Provided*, that the individuals through whose lands said road may pass shall have the right to undertake, at the estimated price, or lowest bid, the construction of so much of said road as may pass through their lands, respectively, or so much as they may think proper to undertake, not to be less than forty rods, or the completion of the whole length passing through the lands of any individual, where the distance may be less than forty rods.

SEC. 8. It shall be the duty of the President and Managers of said road, after keeping it in repair, and defraying other expenses, to apply all the tolls collected on said road to its final completion; said Company shall have power to regulate the tolls as to insure a nett profit of six per cent., per annum, on the capital stock, and no more.

Approved February 29, 1848.

1848.

President and Managers instructed how to construct road.

Width of road. Tolls, &c.

President and Managers shall let out contracts for the road, giving preference to those through whose lands the road runs.

Tolls may be applied to completion of road.

Shall not divide more than 6 per cent.

CHAPTER 469.

AN ACT to put part of the State Road leading from Princeton to Centreville under the control of the Caldwell County Court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That that part of the State Road leading from Princeton, in the direction to Centreville, in Crittenden county, that lies between the town of Princeton and the house of Samuel Campbell, on said road, be and the same is hereby put under the control of the Caldwell County Court, in such manner as to authorize the said Court to

1848. change the location of said road, if to them deemed advisable so to do, not to lessen the width of said road.

Approved February 29, 1848.

CHAPTER 470.

AN ACT to amend the charter of the town of Paducah.

Trustees may prohibit sale of goods, &c.
SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That, from and after the passage hereof, it shall be lawful for the Chairman and Board of Trustees of said town, through their by-laws, to prohibit the sale of goods, wares and merchandise, boat stores, groceries and provisions, of every description, in or upon wharf boats, or any other floating craft upon the water in front of any part of said town, now laid off, by the assessment and infliction of such pecuniary penalties as said by-laws shall prescribe, not exceeding ten nor less than five dollars for each offence.

Police Judge.
SEC. 2. *Be it further enacted,* That the Police Judge of said town shall have jurisdiction to hear and determine all cases that may arise under the by-laws of said town, relative to the above amendment of said charter.

Wharf boats' privileges, &c.
SEC. 3. *Be it further enacted,* That nothing herein contained shall be construed so as to extend or abridge the rights of the owners of wharf-boats or other floating craft in front of said town, as heretofore existed, in any respect whatever. But the rights of the same shall remain as though this amendment to said charter had not been made, except so far as herein declared: *Provided,* that the provisions of this act shall not take effect until 30 days after the passage thereof.

Approved February 29, 1848.

CHAPTER 471.

AN ACT to include W. B. Carlisle in the county of Green.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the line between Green and Taylor counties shall be so run as to permit William B. Carlisle, the present Sheriff of Green county, to be and remain in Green county; and no other person within the present boundary of Taylor shall be included in the county of Green, except said Carlisle.

Approved February 29, 1848.

CHAPTER 472.

1848.

AN ACT granting a change of Venue to William Burne.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That a change of venue is granted to William Burnes, who stands indicted in the Mercer Circuit Court, under a charge of passing counterfeit money, to the Washington Circuit Court, in pursuance of an act, entitled, "an act providing for a change of venue in criminal cases," approved February 23d, 1846.

Approved February 29, 1848.

CHAPTER 473.

AN ACT to enlarge the boundaries of the town of Somerset.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the boundary of the town of Somerset, in Pulaski county, be so enlarged and extended as to include and add to said town about thirteen acres of land, lying in the North end of said town, beginning immediately where the lots of said town terminate, and to lie on each side of the road leading to Stanford, and extend so far on each side of said road as will include the house and ground now occupied by William G. Mills, and the thirteen acres, aforesaid, now laid off into lots; and that said land and lots, so added to said town, and all persons residing in said boundary, so added, shall be subject and liable to all the rules, by-laws and ordinances of the town of Somerset; and the persons living in said boundary shall have, be entitled to, and enjoy, all the rights and privileges of citizens of Somerset.

Boundary,
how extended.

Approved February 29, 1848.

CHAPTER 475.

AN ACT authorizing the Owen County Court to change so much of the State road, leading from New Liberty to Cincinnati, as runs through the lands of Howard Early.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Owen County Court shall have the power to change so much of the State road from New Liberty, in said county, to Cincinnati, as runs through the lands of Howard Early, under the same rules and regulations as are prescribed by law for the change of county roads.

Approved February 29, 1848.

1848.

CHAPTER 476.

AN ACT to incorporate the town of Greenupsburg, and to legalize a late survey made of said town.

Town declar-
ed incorporated.

Survey legal-
ized.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the town of Greenupsburg, as described, bounded and demarked in the plat thereof, executed in the year eighteen hundred and forty seven, by Cyrus Vanbibber, William S. Kouns and Charles Kingsbury, shall be and is hereby declared to be the true plat, plan, limits and boundary of said town; and the surveying and laying off the streets and alleys in the year aforesaid, is hereby legalized; and the original or attested copies of said plat may be used in evidence, in the same manner that attested copies of other papers, duly recorded, are authorized to be used.

SEC. 2. *Be it further enacted*, That it shall and may be lawful for the Trustees, for the time being, to have the plat of said town, as made out by the aforesaid Commissioners, entered upon the record of the County Court deed book, as the true plan of the town of Greenupsburg.

Act to incor-
porate Somerset
applied to Green-
upsburg.

SEC. 3. *Be it further enacted*, That the act, entitled, an act to incorporate the town of Somerset, approved February 18, 1846, except the first section, be applied to the town of Greenupsburg; and it is hereby enacted, that wherever the word Somerset, and county of Pulaski, occurs in the before recited act, in applying this act, shall be read Greenupsburg, and Greenup county.

Election for
Trustees, when
held.

SEC. 4. *Be it further enacted*, That the first election of Trustees shall be had on the first Monday in May next, and on the first Monday in the same month in every year thereafter.

Approved February 29, 1848.

CHAPTER 478.

AN ACT to amend the charter of the Turnpike Road Company between Bell's tavern and Bowlinggreen.

No. of Direc-
tors to be e-
lected.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That, at the next election of President and Directors of the Turnpike Road Company, known by the name and style of the "President, Directors and Company of that part of the Louisville and Nashville Turnpike Road, lying between Bell's tavern and Bowlinggreen," there shall only be elected a President and four Directors, three of whom shall constitute a quorum to transact business; and so much of the charter of said road as requires ten Directors on said road, be and the same is hereby repealed.

SEC. 2. *Be it further enacted*, That the said Company be, and is hereby authorized to purchase, and the Louisville

Turnpike Road Company, constructing a road from Elizabethtown to Bell's tavern, be and is hereby authorized to sell and dispose of, so much of said road, to said first mentioned Company, as lies between Green river and Bell's tavern, not exceeding twelve miles, as the said Companies may respectively agree upon, and upon such terms and conditions as may be mutually agreed to by said Companies.

Approved February 28, 1848.

1848.

CHAPTER 479.

AN ACT to incorporate the Muddy River, Elkton, Trenton and Tennessee State Line Turnpike Road Company.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That a Company shall be, and is hereby formed, for the purpose of making an artificial turnpike road, on the McAdams plan, from Elkton, in Todd county, by Trenton, to the Tennessee State line, in the direction of New Providence, Tennessee, at the point on said State line where the turnpike road from New Providence, Tennessee, towards Trenton, may strike said State line, to be known by the name and style of the Muddy River, Elkton, Trenton and Tennessee State Line Turnpike Road Company, and by that name shall be a body politic.

Incorporation.

Name & style of Company, & route of road.

SEC. 2. The capital stock of said Company shall be two hundred thousand dollars, to be divided into shares of one hundred, or fifty dollars each. Subscriptions, for stock in said Company, shall be opened on the second Monday in April next, or in a convenient time thereafter, and continue open for two years, unless the stock shall be sooner subscribed, at Elkton, in Todd county, and Trenton, and Rochester, in Butler county, under the Commissioners hereafter named.

Capital stock.

Books to be opened, when & where.

SEC. 3. The following persons are hereby appointed Commissioners to receive subscriptions of stock, viz: At Elkton, Abram Shelton, James Shamwell, Patrick Carneal, Isaac Herrald, F. E. McLean, Isham R. Jefferson and F. M. Bristow; at Trenton, R. Dickinson, Charles Merriwether, Elijah Sebree, and Zachary Billingsly; at Rochester, Wm. McDowell, Richard Simmons and Jonathan Hunt. At each of the above places, any two of the Commissioners may act.

Com'rs to receive subscriptions appointed.

SEC. 4. That such of the Commissioners as may act, shall procure one or more books, and the subscribers shall sign the following obligation, viz: "We, whose names are hereunto subscribed, do respectively promise to pay to the Muddy River, Elkton, Trenton and Tennessee State Line Turnpike Road Company, the sum of one hundred, or fifty dollars, for each share opposite our names, in such propor-

Obligation of subscribers.

1848.

Notice to be given and meeting of stock holders called to elect officers.

Each share entitled to 1 vote.

Company, when organized, to be a body corporate.

Duties, powers, privileges, &c., of Company.

Grade of road.

May erect toll gate for every 5 miles of road.

May extend road to Green river, &c.

tions and at such times as shall be determined by said Company."

SEC. 5. That, so soon as two hundred shares in said Company are subscribed, it shall be the duty of said Commissioners to give notice at Trenton, Elkton and Rochester, of a meeting, at least fifteen days previous, in the town of Elkton, for the purpose of choosing officers; and the voters, in choosing officers for said Company, shall be regulated by the number of shares, allowing one vote for each share.

SEC. 6. That, so soon as the Company is organized, the President, Managers, and other officers of said Company shall possess all the powers, authority, rights and privileges, and shall and may do all the acts and things necessary for carrying on and completing said turnpike road Company, as well as laying out or locating the road; and shall be subject to all the duties, qualifications, restrictions, penalties, fines and forfeitures, (if any,) and be entitled to like tolls and profits as are given and granted to the Danville and Hustonville Turnpike Road Company; and all the provisions of the act, approved March 1, 1844, incorporating the Danville and Hustonville Turnpike Road Company, are hereby enacted as part hereof, except so far as they are local in their application, or come in collision with the foregoing sections.

SEC. 7. The elevation of the grades of said road shall be fixed and regulated by the President and Managers thereof.

SEC. 8. The President and Managers may erect a toll gate for every five miles of continuous road finished: *Provided*, no gate shall be erected nearer than one mile of Elkton and Trenton.

SEC. 9. *Be it further enacted*, That the said Company may, if a sufficient amount of stock be subscribed, continue the said road from Elkton to Green River, at or near the mouth of Muddy river, upon the same terms and conditions, and subject to the same tolls and regulations, as provided in this act, for the road from Elkton, by Trenton, to the Tennessee State line.

Approved February 29, 1848.

CHAPTER 480.

AN ACT to divorce Elizabeth Morgan, of Trimble county, and George W. Aydelott, of Hickman county, and Mary Chrisman.

E. Morgan.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That Elizabeth Morgan, of Trimble county, be and she is hereby divorced from her husband, David H. Morgan, and restored to all the rights and privileges of an unmarried woman.

G. W. Aydelott. SEC. 2. That George W. Aydelott, of Hickman county, be and he is hereby divorced from his wife, Elizabeth L.

Aydelott, and restored to all the rights and privileges of an unmarried man.

SEC. 3. *Be it further enacted*, That Mary Chrisman be divorced from her husband, Richard Chrisman, and that she be restored to all the rights and privileges of an unmarried woman.

Approved February 22, 1848.

1848.

M. Chrisman.

CHAPTER 481.

AN ACT to appropriate the dividends of the Bardstown and Louisville, and the Bardstown and Green River Turnpike Roads, to the completion of the road between Bardstown and Glasgow.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That all the dividends hereafter declared upon the Bardstown and Louisville, and upon the Bardstown and Green River Turnpike Roads, shall be used and appropriated towards completing the Turnpike between Bardstown and Glasgow: *Provided*, that the assent of a majority of the stockholders in said roads shall be first had. And, for the purpose of ascertaining the wishes of the stockholders in said roads, the officers of said two roads, respectively, are hereby directed to call a meeting of the stockholders in the respective roads, on or before the first day of July next, at such places as the officers of the respective roads shall designate. And, at said meetings, the voice of the stockholders of said roads shall be taken under the supervision and direction of the officers of the respective roads. And should it be the wish of the stockholders in said roads that the dividends shall be applied as aforesaid, the dividends on said roads shall be paid to the President of the road between Bardstown and Glasgow to be used for the purpose aforesaid: *Provided*, notice of the meeting of the stockholders on said roads be inserted in a newspaper published in Glasgow, and a newspaper published in Bardstown, and a newspaper published in Louisville, at least thirty days previous to said meeting, giving the time and place thereof: *And provided further*, that the amounts paid over by the said Louisville and Bardstown Turnpike Company, to the Bardstown and Green River Turnpike Road Company, shall be credited to said first Company as stock in said last mentioned Company, and dividends shall be declared thereon in favor of said Company, as in favor of other stockholders.

Dividends,
how used.

Provided.

Approved February 29, 1848.

CHAPTER 483.

1848.

AN ACT appropriating the dividends in the Turnpike Road leading from Elizabethtown to the Tennessee line to the completion of said road.

Dividends,
how applied.

Proviso.

Wishes of the
stockholders,
how ascertain-
ed.

Meeting, when
to be held.

Proviso.

Companies,
severally, may
avail themselves
of this act.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That all the dividends hereafter declared by the several corporations upon the Turnpike Road leading from Elizabethtown, in Kentucky, to the Tennessee line, in the direction to Nashville, in Tennessee, shall be severally used and appropriated towards the completing the said road, under the direction of the several corporations upon said road: *Provided*, that the assent of a majority of the stockholders in said road, under the direction of the several corporations, shall be first had; and that the stockholders in each corporation shall act independent of the other corporations: and, for the purpose of ascertaining the wishes of the stockholders in said road, the officers of said several corporations are hereby severally directed to call a meeting of the stockholders, on or before the first day of July next, at such places as the officers shall designate; and, at such meeting, the voice of the stockholders aforesaid shall be taken, under the supervision and direction of the officers aforesaid; and should it be the wish of the stockholders in said corporations, or any of them, that the dividends shall be applied as aforesaid, the dividends shall be paid to the respective Presidents of said corporations, to be used for the purposes aforesaid: *Provided*, that notice of the meeting of the stockholders, in said several road companies or corporations, shall be given at least thirty days previous to said meeting, by publication in the Bowling-green Intelligencer and Southwestern Argus.

SEC. 2. *Be it further enacted*, That, whereas, there are several incorporated companies in the road mentioned in this act: it is declared that the true intent and meaning of this act is, that each of said incorporated companies shall have the right and privilege of availing itself of the provisions hereof.

Approved February 29, 1848.

CHAPTER 484.

AN ACT for the benefit of Henry Stemmons and his wife, and others.

Petition may
be filed.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall and may be lawful for Henry Stemmons and Almira, his wife, she being under the age of twenty-one years, and Francis M. Brown and Margaret, his wife, late widow of John McKee, and William C. Johnson, Trustee for said Margaret Brown, and the infant child of said Margaret Brown, to file their petition, the infant by his guardian, Henry Stemmons, in the Lincoln Circuit

Court, setting forth the title fully to about fifty acres of land lying in Garrard county, adjoining the lands of G. J. Salter and Samuel Lusk, and setting forth the deed of trust from said Margaret Bourn and her former husband, John McKee, to William C. Johnson, for said Margaret's benefit, and setting forth fully the contract of sale, by the petitioners, to Samuel Lusk, of said land; and if it shall appear, by proof, from the depositions of disinterested witnesses, that a confirmation of said sale will redound to the interest of said infants and Margaret Bourn, then the Judge of the Lincoln Circuit Court may decree a confirmation of said sale, and a deed to be made to the purchaser, by a Commissioner; which deed and decree shall divest the petitioners of all title to said land. The Commissioner shall convey, with warranty as to good title, which shall bind the petitioners, except Johnson, for the loss of said land by a better title after proper defence by the purchaser. It shall be lawful for said Court to secure the proceeds of said sale to Margaret Bourn, in conformity to the deed of trust aforesaid, and make such decretal orders with that object as be may deem proper; also, as to the interest of Almira Stemmons, and the infant, Thomas Kennedy. The deed to be made by the Commissioner shall vest the purchaser, Samuel Lusk, with the full and entire title to said land.

1848.

Com'r's duty.

Approved February 29, 1848.

CHAPTER 485.

AN ACT to incorporate the Flemingsburg and Mount Carmel Turnpike Road Company.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That a Company is hereby formed, and created a body politic and corporate by the name and style of the Flemingsburg and Mount Carmel Turnpike Road Company, to consist of a President and five Directors, with the stockholders, for the purpose of making a Turnpike Road from Flemingsburg to Mount Carmel, on the McAdam's plan.

Company
chartered.
Style.

Objects of cor-
poration.

Capital stock.

SEC. 2. The capital stock of said Company shall be fifteen thousand dollars, and may be increased to twenty thousand, at the option of the Directors, to be divided into shares of fifty dollars each; and books, for the subscription of stock, shall be opened on the first Monday in April, at Flemingsburg, or as soon thereafter as the Commissioners may direct, to be under the direction of Thomas W. Fleming, Thomas Porter, John R. Ringo, James Jones and Abram Gooding; and, at Mount Carmel, at the same time, or as soon thereafter as said Commissioners may direct, to be under the direction of Martin P. Marshall, Joel Debell, Obad P. Nute, John Porter and James Quaintance, or any three of them,

Books, when
opened, &c.

Under whose
direction.

1848.

Obligation of
subscribers.

and may be kept open for twelve months, unless the whole amount of stock shall be sooner subscribed. The Commissioners shall procure books, and the subscribers shall enter into the following obligation, viz: "We, whose names are hereunto subscribed, do respectively promise to pay to the President and Directors of the Flemingsburg and Mount Carmel Turnpike Road Company, the sum of fifty dollars for each share of stock set opposite to our respective names, in such proportions, and at such times as the said President and Directors may determine upon."

Fleming C'ty
may sub-
scribe stock.

Trustees of
Flemingsburg
may subscribe.

SEC. 3. It shall be lawful for the Fleming County Court, a majority of all the Justices concurring therein, by such agent as they may appoint, to subscribe for any number of shares of said stock, not exceeding fifty, for and on behalf of the county of Fleming, to be paid out of the county levy. The Trustees of the town of Flemingsburg, a majority concurring, may, by their President, subscribe for any number of shares of stock, not exceeding twenty; and the Trustees of Mount Carmel may, in like manner, subscribe for any number of shares not exceeding ten.

Meeting when
and how to take
place.

SEC. 4. So soon as one hundred and fifty shares are subscribed to the capital stock of said Company, it shall be the duty of said Commissioners to give notice, by advertisement, at the doors of the stores and taverns in said town, and at the Court-house door, for a meeting of the stockholders, at such time and place as they may designate, for the purpose of electing a President and five Directors, and one vote shall be allowed for each share of stock; and the said officers shall continue in office for one year, and until their successors are, in like manner, duly elected. A majority of the Board shall be competent to transact business.

Provisions of
Carlisle and
Sharpsburg road
applied.

SEC. 5. So soon as said Company is organized, by the election of officers, the President and Directors shall possess all the power, rights and privileges, and shall and may do all acts and things necessary for laying out and causing a survey of the most practicable route for said road, and for carrying on and completing the same; and may have and enjoy, all the rights and privileges, and be subject to all the duties, qualifications and restrictions, as are given and granted to the Carlisle and Sharpsburg Turnpike Road Company, by an act approved 26th February, 1847, except as herein otherwise provided for; and the said act, with the exception aforesaid, is hereby enacted as part of this act.

SEC. 6. Said President and Directors shall fix and regulate the elevation and grade of the road; the width of the part thereof to be covered by stone; shall designate the place for the erection of gates, not exceeding two, and not to be nearer than one mile of any town; may fix the rate of tolls, and regulate and change the same: *Provided*, the

width of said road shall not exceed fifty feet, and the part covered with stone shall not be less than twelve feet; and the rate of tolls shall not exceed an annual dividend of eight per cent. on the capital stock required to complete the road.

1848.

SEC. 7. The Legislature reserves the right to amend or alter this charter, at any time after twenty years from its passage.

Right to alter charter reserved

Approved February 29, 1848.

CHAPTER 486.

AN ACT to allow an additional Justice of the Peace to Barren county, and for other purposes.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That an additional Justice of the Peace shall be allowed to the county of Barren, who may reside in the Southeastwardly part of the county.

Justice to Barren.

SEC. 2. That an additional Justice of the Peace be allowed to Adair county, to fill the vacancy occasioned by the resignation of William Hardwick.

To Adair.

SEC. 3. That an additional Justice of the Peace be allowed to Graves county.

To Graves.

SEC. 4. That an additional Justice of the Peace be allowed to Lawrence county, who may reside in the neighborhood of the mouth of Rockcastle creek.

To Lawrence.

SEC. 5. That, hereafter, Josiah J. Ashby, a Constable of Hopkins county, may reside anywhere in the limits of his present district; and this act shall apply to any and all Constables who may be hereafter appointed in said district.

Constable's district in Hopkins changed.

Approved February 29, 1848.

CHAPTER 487.

AN ACT for the benefit of David Snowden, former Sheriff of Owsley county, and for other purposes.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the further time of twelve months, from and after the passage of this act, be allowed to David Snowden, former Sheriff of Owsley county, to collect all taxes and fee bills, which may be due him for the year 1845.

Owsley.

SEC. 2. That James Brien, late Sheriff of Marshall county, be allowed the further time of one year, from and after the first day of January next, to collect all fee bills and taxes now due him, as late Sheriff of said county.

Marshall.

Approved February 29, 1848.

1848.

CHAPTER 488.

AN ACT to divorce William W. Hinds, and others.

W. W. Hinds

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the marriage contract between William W. Hinds and Nancy E. Hinds, be and the same is hereby dissolved, so far as respects the said William W., who is hereby restored to all the rights and privileges of an unmarried man.

Wm. Goodridge, Sr.

SEC. 2. That William Goodridge, Sen., of Boone county, be divorced from his wife, Emaline Goodridge, and restored to all the rights and privileges of an unmarried man.

M. Curfuran.

SEC. 3. That Melvina Curfuran be divorced from her husband, Michael F. Curfuran, and restored to all the rights and privileges of an unmarried woman, and to her maiden name of Melvina J. Anderson.

Approved February 29, 1848.

CHAPTER 489.

AN ACT for the benefit of the Surveyor of Scott county, and for other purposes.

Surveyor Scott allowed to re-new bond.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That John Ewing, Surveyor of Scott county, shall be permitted to renew his official bond at any term of the County Court of said county, before the next July term thereof; and such bond shall be as valid as if it had been executed at the time prescribed by law; and all the acts of said Surveyor, since the expiration of the time within which he should have renewed said bond, are hereby declared legal and valid.

Surveyor Spencer allowed to renew bond.

SEC. 2. *Be it further enacted*, That the Surveyor of Spencer county have until the first day of July next to renew his bond, and all surveys made by him are hereby legalized.

Approved February 29, 1848.

CHAPTER 490.

AN ACT to amend an act, entitled, an act to construct a road from Rochester, at the mouth of Muddy river, in Butler county, to Russellville, in Logan county.

WHEREAS, the Commissioners, appointed by an act to establish a road from Rochester, at the mouth of Muddy river, to Russellville, have failed to view, select and mark out, the best practicable route for said road, as directed by said act. Therefore,

New Com'rs appointed, and their duties defined.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That John Angel, John Cornelius, Eli Orndroff, Daniel Haddox and William Morehead, of the county of Logan; William S. McDowell and William Night, of the

county of Butler, be and they are hereby appointed Commissioners, in the place of those in the said act mentioned, to view, select and mark out the best practicable route for said road; that the duties of said Commissioners shall be the same, in every particular, as those imposed upon the Commissioners by the original act; and that said Commissioners have until the 25th day of December next to discharge the duties; and are to be allowed not more than two dollars per day for their services, to be paid out of the county levy of Logan and Butler counties.

1848.

Approved February 29, 1848.

CHAPTER 492.

AN ACT for the benefit of George Johnson, late Sheriff of Union county, and for other purposes.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That George Johnson, late Sheriff of Union county, be allowed until the first day of August next, to return his list of revenue and county levy for the year 1846; and that he be allowed a credit, in his settlement with the Union County Court, for the amount of delinquent levies so returned by him; and that the Second Auditor refund to him the amount of his delinquent list of revenue.

Sheriff Union
allowed further
time to return
delinquent list.

SEC. 2. That James Clark, late Sheriff of Casey county, be allowed further time, until the first day of August, 1848, to return his delinquent list for the year 1846.

Sheriff Casey
further time to
return delin-
quent list.

SEC. 3. That Joseph Lumpkins and Jesse Casaday, late Sheriffs of Morgan county shall have the further time of two years to collect the unpaid county levy and revenue tax due for the years 1845, 1846 and 1847; and, also, all fees due them under the laws now in force.

Sheriffs Morgan
further time to
collect taxes.

SEC. 4. That the further time, until the 1st day of August next, be allowed the Sheriff of Breathitt county, to return his delinquent lists for the years 1845, 1846 and 1847.

Sheriff Breath-
itt further time
to return delin-
quent lists.

SEC. 5. That the Sheriff of Owen county shall have the privilege of returning his delinquent list for the year 1846; and the Auditor shall allow the same as though it were returned in due time, the same being now on file in the Auditor's office.

Sheriff Owen
further time to
return delin-
quent list.

Approved February 29, 1848.

CHAPTER 493.

AN ACT for the benefit of Common Schools in the town of Portland, and for other purposes.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That, hereafter, the Trustees of the

1848.

Trustees allowed to receive proportion of school fund.

town of Portland shall be, and they are hereby authorized and empowered to receive, any monies which may be due, or which may hereafter fall due to the said town of Portland, as their portion of the Common School Fund of this Commonwealth, in lieu of the School Commissioners, as now provided for by law; and such payment shall be made so long, and only, when said town has a common free school or schools therein.

Trustees University of Louisville may issue certificates of scholarship, &c.

SEC. 2. *Be it further enacted*, That the Trustees of the University of Louisville shall have authority to sell and issue certificates of scholarships, for the purpose of raising salaries for the professors in any of the several departments in the University, other than the medical and law departments; and to invest the fund, so raised, in stock, or loan the same on bond and mortgage, and apply the dividend and interest to the payment of the salaries of the professor or professors, for whose salary the same was sold; and said certificates shall be transferable, on transfer books to be kept by the Trustees for that purpose, under such rules and regulations as they shall prescribe, and shall not be liable to sale or attachment for debts.

May contract with city for building hospital.

SEC. 3. *Be it further enacted*, That it shall be lawful for the Trustees of said University of Louisville, to contract with the city of Louisville for the erection of a suitable building, on the hospital lot at Louisville, for the purposes of clinical instruction at said hospital; and for the use thereof, by the medical department of the University.

City may contract with Gas Company for water.

SEC. 4. *Be it further enacted*, That it shall be lawful for the city of Louisville to contract with the Louisville Gas Company, upon such terms and conditions as the two corporations shall mutually agree upon, for the construction, by the Louisville Gas Company, of water works, for supplying the city and citizens of Louisville with water.

Approved February 29, 1848.

CHAPTER 494.

AN ACT to change a part of the State Road leading from Bowlinggreen to Greenville.

Location may be changed.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the State road leading from Bowlinggreen to Greenville, where the same passes through the counties of Butler and Muhlenburg, be so changed as to run through Hamburg, in Logan county, beginning at Perry's Old Lick, in Butler county, and running thence the most practicable route, until it intersects the road running from Russellville to Greenville, at or near Hillery Newton's.

Com'rs to view change.

SEC. 2. That James L. Moore and Thomas Turner, Esq., of the county of Butler; B. W. Johnson, of the county of

Logan; Zilmon Woods, of the county of Muhlenburg, be and they are hereby appointed Commissioners to carry out the provisions of the first section of this act; who shall, on or before the 25th day of December, 1848, meet at the beginning point, and after being sworn, proceed to discharge the duties imposed on them by this act; and, for their services, shall severally be entitled to receive not more than one dollar and fifty cents per day, to be paid out of their respective county levies; and the County Court is hereby directed to make the levy accordingly.

1848.

Compensation to Com'rs.

SEC. 3. That, at the first term of the County Court after such return is made, it shall be the duty of said County Courts to appoint one or more overseers, with an allotment of a sufficient number of hands, in the estimation of said courts, to cut out said road twenty five feet wide.

City C'ts to appoint overseers and allot hands.

SEC. 4. That it shall be the duty of the said County Courts, a majority of all the magistrates in Muhlenburg and Butler counties concurring, so soon as said road is cut out, to appoint overseers, with an allotment of hands, sufficient to keep said road in repair, as the law directs.

Courts to appoint overseers and allot hands to keep road in repair.

SEC. 5. If the owner of any lands through which said road shall pass, will not previously consent to the opening of the same, they shall be entitled to a writ of *ad quod damnum*, in the usual way, to ascertain what damages, if any, will accrue to the said owner or owners of the land through which said road runs, taking into consideration the benefits as well as the value of the land aforesaid.

Owners of land may have a writ of *ad quod damnum*.

Approved February 29, 1848.

CHAPTER 495.

AN ACT to amend the charter of the City of Covington and town of Feliciana.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the President and Common Council of the city of Covington are hereby authorized to appoint as many firemen as they may consider necessary for the prompt and efficient management of the Fire Engines and apparatus now established, or that may hereafter be established, for the protection of said city.

Mayor and Council may appoint firemen.

SEC. 2. That said President and Common Council may appoint the Assessor of said city, and his assistants, at any regular meeting in the months of September, October, November or December, in each year, who shall enter upon the duties of his office at such time as the President and Common Council may direct; and the said Assessor shall have forty five days to return his book of assessment, instead of thirty days, as now allowed by the charter of said city.

May appoint Assessor & assistants in the months of Sep., Oct., Nov. or Dec.

Time allowed to make return.

1848.

Act 1839 re-enacted.

Part of act of 1845 repealed.

SEC. 3. That an act, entitled, an act to amend the charter of the city of Covington, approved February 23, 1839, shall be and the same is hereby re-enacted and declared to be in full force; and that so much of an act, entitled, an act to amend the charters of the cities of Louisville and Covington, approved February 10, 1845, as re-enacts an act to amend the charter of the city of Covington, approved February 29, 1836, shall be and the same is hereby repealed.

Boundary of Feliciana extended.

SEC. 4. *Be it further enacted*, That the boundary of the town of Feliciana, in Graves county, be and the same is hereby extended to the western boundary of the quarter section upon which said town is situated.

Trustees may appoint a town Surveyor.

SEC. 5. That the Trustees of said town shall have full power to appoint some person, in said town, as Surveyor of the roads and streets in said town, whose duty it shall be to cause the same to be kept in good repair; said Surveyor may call upon all the citizens of said town, now subject to work on the roads in this Commonwealth, from time to time to work on the roads and streets in said town; and for a failure to do so, shall be subject to the same fine, to be collected in the same manner as fines are now collected for a failure to work on roads. The Surveyor, for a failure to discharge his duty, shall be subject to the same penalties, and to be proceeded against in the same way, as provided for against Surveyors of roads.

Citizens to work on streets.

Fines for failure.

SEC. 6. That all laws giving to the Trustees of said town the power to levy and collect a tax off of the citizens or property of said town, for the purpose of improving the streets, alleys or roads in said town, shall be and the same are hereby repealed.

Approved February 29, 1848.

CHAPTER 496.

AN ACT to change the State road from Hopkinsville to Gray's Ferry.

WHEREAS, it is represented to this General Assembly, that the State road leading from Hopkinsville, in Christian county, to Gray's Ferry, on the Tennessee river, in Trigg county, does great injury to the land of John Cress, who prays for a change in the same, for about five hundred yards, commencing at or near the mile tree from the Tennessee river, leaving the present road to the left, and running along the base of the hills, and so as to intersect the old road at the upper end of an old field. Therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the proposed change be made and established: *Provided*, that the above named John Cress open the proposed change, and put it in good order the same width of the old road: *Provided, also*, that said change does not make the distance greater, or place the road on worse

ground, in the opinion of a majority of the Justices of the County Court.

1848.

Approved February 29, 1848.

CHAPTER 497.

AN ACT to divorce Jesse Key.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the marriage contract heretofore existing between Jesse Key and Sally Key, be and the same is hereby dissolved, so far as relates to the said Jesse, and he is hereby restored to all the rights and privileges of an unmarried man.

Approved February 29, 1848.

CHAPTER 498.

AN ACT for the benefit of D. S. Goodloe & Co.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Second Auditor is hereby directed to issue his warrant on the Treasurer for the sum of seven hundred and seventy two dollars and twenty cents, in favor of D. S. Goodloe & Co., being the amount of their bill for the purchase of swords for Gen. Taylor, Gen. W. O. Butler and the widow of Major Barbour, the same purchased under resolution of the General Assembly, by the Governor of this Commonwealth.

Approved February 29, 1848.

CHAPTER 500.

AN ACT to divorce Elizabeth A. King, and others.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That Elizabeth A. King be, and she is hereby divorced from her husband, Archibald B. King, and restored to her maiden name, Elizabeth A. Whitlock, with all the rights and privileges of an unmarried woman.

E. A. King.

SEC. 2. That Hannah Dolin, of Fayette county, be and she is hereby divorced from her husband, Patrick Dolin, and restored to all the rights and privileges of an unmarried woman, and to her maiden name of Hannah Gilbert.

H. Dolla.

SEC. 3. That Catharine G. Stilwell be, and she is hereby divorced from her husband, Robert S. Stilwell, and that she be restored to all the rights and privileges of an unmarried woman.

C. G. Stilwell.

SEC. 4. That Elizabeth Swinney, of Hopkins county, be, and she is hereby divorced from her husband, Edmund

E. Swinney.

1848.

Swinney, and restored to all the rights and privileges of an unmarried woman.

J. Desha.

SEC. 5. That the marriage contract existing between John Desha and Phœbe, his wife, of Bourbon county, be and the same is hereby rescinded, and the said John Desha restored to all the rights and privileges of an unmarried man.

J. M. Garrison
and wife.

SEC. 6. That the marriage contract now existing between John M. Garrison, and his wife, Patsey Garrison, be and the same is hereby dissolved, and they are hereby restored to all the rights and privileges of unmarried persons.

H. Trunnell &
wife.

SEC. 7. That Henry Trunnell and Louisa Trunnell, his wife, be and they are hereby divorced from each other, and restored to all the rights and privileges of unmarried persons.

J. Lockwood.

SEC. 9. That Jacob Lockwood, of Lawrence county, be and he is hereby divorced from his wife Emily.

Approved February 29, 1848.

CHAPTER 501.

AN ACT for the benefit of Julia A. Williams and Catharine Lamaster.

J. Williams.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the marriage contract between Julia A. Williams and John W. Williams, be and the same is hereby dissolved, so far as respects the said Julia A., who is hereby restored to all the rights and privileges of an unmarried woman, and to her maiden name, Julia A. Roland.

C. Lamaster.

SEC. 2. That Catharine Lamaster, of Shelby county, be divorced from her husband, Irvin Lamaster, and restored to all the rights and privileges of an unmarried woman, and to her maiden name of Catharine Miles; and that her child's name be changed to Miles.

Approved February 29, 1848.

CHAPTER 503.

AN ACT for the benefit of John W. Hazlerigg.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be lawful for the Second Auditor to issue his warrant upon the Treasurer, in favor of John W. Hazlerigg, for ten dollars, for money overpaid by him.

Approved February 29, 1848.

CHAPTER 504.

1848.

AN ACT to divorce William W. and Nancy Millikin.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the marriage contract heretofore existing between William W. Millikin and Nancy Millikin, be and the same is hereby dissolved, and each of them are restored to all the rights and privileges of unmarried persons: *Provided*, the said William W. Millikin shall not be entitled to the benefit of this act, until he delivers to the said Nancy the sum of twelve hundred dollars, in cash, to be held by her as her own; or makes a conveyance to her, of property, to the cash value of twelve hundred dollars, and makes full and sufficient proof thereof to the County Court of Simpson; which proof it shall be the duty of said court to enter upon the records, and the said William W. Millikin shall pay the costs thereof.

W. W. Millikin and wife divorced.

To pay his wife \$1,200.

Approved February 29, 1843.

CHAPTER 505.

AN ACT to change the name of James Riley Hammon, and for other purposes.

Sec. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the name of James Riley Hammon, of Ohio county, be and the same is hereby changed to that of James Riley Todd, and he is made capable of inheriting the estate of William and Mary Todd, as much so as if he was their lawful heir.

Hammons' name changed.

Sec. 2. That the name of Greenberry Clark, of the county of Ohio, be and the same is hereby changed to that of Greenberry Johnson, and he is made capable of inheriting the estate of Clement Johnson, of the county of Ohio, as much so as if he had been born in lawful wedlock.

Clarke's name changed.

Sec. 3. That the names of Matilda, Nancy and Thomas Turner, be and are hereby changed to Matilda, Nancy and Thomas Bledsoe.

Matilda, Nancy & Thos. Turner's names changed.

Sec. 4. That the name of William Kidwell, of Pendleton county, be and the same is hereby changed to that of William Boner, and by that name he shall hereafter be known and called.

W. Kidwell's name changed.

Approved February 29, 1848.

CHAPTER 506.

AN ACT for the benefit of William Mullen, of Wayne county, and others.

Sec. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be lawful for William Mullen, late Deputy for H. Gregory, deceased, late Sheriff

Mullen allowed further time to collect fees.

1849.

of Wayne county, to issue and make distress, for all fees due to the said H. Gregory, deceased, as late Sheriff aforesaid, under the laws now in force.

Sheriff Livingston.

SEC. 2. That the Sheriff of Livingston county shall have until the 1st day of April next to return his delinquent list of revenue for the year 1847.

Sheriff Letcher.

SEC. 3. That John Williams, Sheriff of Letcher county, shall be allowed until the first day of June, 1848, to return his delinquent list of revenue.

Sheriff Harlan.

SEC. 4. That further time, until the 1st day of June, 1848, is hereby granted to George Spurlock, Sheriff of Harlan county, to return his delinquent list of revenue.

Sheriff Grant.

SEC. 5. That William H. Evans, late Sheriff of Grant county, be allowed until the first day of June, 1849, to collect his revenue and return his delinquent list.

Sheriff Owen.

SEC. 6. That the present Sheriff of Owen county be allowed until the first day of June next to return his delinquent list.

Evans, late Sheriff Grant.

SEC. 7. That William H. Evans, late Sheriff of Grant county, and his Deputies, shall have until the first day of February, 1849, to distrain for, and collect, all arrearages of revenue tax and county levies due and remaining uncollected by said Sheriff for the years 1844 and 1845.

Grant, late Sheriff Gravit.

SEC. 8. That George S. Gravit, late Sheriff of Grant county, shall have until the next annual Court of Assessment of the 104th Regiment, to be held in said county, to return, by himself or Deputies, his delinquent list of muster fines for the years 1845 and 1846.

Approved February 29, 1848.

CHAPTER 507.

AN ACT allowing additional Justices of the Peace and Constables to certain counties.

Justice to Kenton.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That there shall be allowed to Kenton county, an additional Justice of the Peace, who may reside in the city of Covington.

Constable to Kenton.

SEC. 2. That there shall be allowed to Kenton county, one additional Constable, who shall reside in the city of Covington.

Constable to Owsley.

SEC. 3. That an additional Constable be allowed to the county of Owsley, who shall reside within the limits of the town of Proctor.

Justice to Lewis.

SEC. 4. That an additional Justice of the Peace be allowed to the county of Lewis, who may reside in the neighborhood of the Esculapia Springs.

Constable to Russell.

SEC. 5. That an additional Constable be allowed to the county of Russell, to reside in the neighborhood of Jonas Austin, Esq.

SEC. 6. That an additional Constable be allowed to Carter county, who shall reside in the neighborhood of Upper Tygert creek.

1848.

Approved February 29, 1848.

CHAPTER 508.

AN ACT to change the place of voting in an Election Precinct in the county of Henderson, and for other purposes.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the place of voting in the election precinct in Henderson county, now held at the house of David Sights, be and the same is hereby changed to the house of William Sutton, in said county.

Henderson.

SEC. 2. *Be it further enacted*, That the place of voting in Greenup county, be changed from the old place on William's creek, called the Miranda Precinct, to Cannonsburg, and the place of voting shall hereafter be at the house now owned and occupied by William Williams.

Greenup.

SEC. 3. *Be it further enacted*, That an election precinct be and the same is hereby established at the house of James Carlton, in Boone county.

Boone.

Approved February 29, 1848.

CHAPTER 509.

AN ACT to establish two additional Election Precincts in Knox county, and for other purposes.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That two additional precincts be and are hereby established in Knox county, one at the house of Parks D. Britton Esq., and the other at the house of Terrill Mays, Esq., under the same rules and regulations as others now existing in said county.

In Knox.

SEC. 2. *Be it further enacted*, That an additional election precinct be and the same is hereby established at the tavern house at the Dripping springs, in Edmonson county.

In Edmonson.

SEC. 12. *Be it further enacted*, That an election precinct be and is hereby established at the house of John Nun, in Crittenden county, where the general laws regulating elections shall be observed.

In Crittenden.

Approved February 29, 1848.

CHAPTER 514.

AN ACT for the benefit of James M. Anderson.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Hart County Court is hereby vested

1848.

with full power and jurisdiction to grant leave to James M. Anderson to build a mill on, and a dam across, Little Barren River, near what is called the Palo Alto Falls, without incurring any penalty or responsibility in consequence of any law declaring said river, or any part thereof, navigable : *Provided*, that, before application shall be made to said Court, by said Anderson, for leave to build said dam and mill, the Court shall order their Clerk to issue a writ, directed to the Sheriff of said county, commanding him to summon and empannel twelve fit persons, to meet at some convenient place to be pointed out by said Sheriff, near the proposed site of said mill and dam, at a time to be fixed by the Court, and inserted in said writ; of which, notice shall be given to those who own lands lying on said river, between the ford near Hugh Mitchel's, on the Lexington Road, and the proposed site for said dam and mill. After said jurors, who shall be house-keepers, shall be sworn by said Sheriff to act faithfully and impartially in the premises, they shall, under the superintendence of said Sheriff, proceed to hear any evidence introduced by any person interested, whether said dam, built to the height proposed by said Anderson, will injure the navigation of said stream, between said Mitchel's mill and the mouth of said river; and if any injury, to what extent; and, also, whether said ford will be injured, and to what extent, and to what amount; if any injury will result to any owner of land on said river above said dam. All which facts, after being found by said jury, shall be made out, in writing, and signed by them and returned by the Sheriff to said Court; and if, upon consideration of all the facts, so found by the jury, and returned by the Sheriff, it shall be the opinion of the Court that leave should be granted to build said dam and mill, they shall grant said leave; but they shall require said Anderson to pay to any owner of land, as aforesaid, the damage, if any, found to result to him by said jury, before leave shall be granted : *Provided, further*, that if said dam shall be built, and complaint shall be made to said Court that said dam so injures said ford, and obstructs the navigation of said stream as to be of great inconvenience to the public, it shall be lawful for said Court to issue a summons against the proprietor of said dam to show cause why the same should not be abated; and if, upon the return of the summons executed, it shall appear to their satisfaction that public convenience requires it, it shall be lawful for them to cause said dam to be abated.

Approved March 1, 1848.

CHAPTER 515.

1848.

AN ACT to amend the laws concerning the town of Frankfort.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the act, entitled, "an act to reduce into one the several acts in relation to the town of Frankfort, and for other purposes," approved February 16th, 1839, be and the same is hereby amended as follows :

Town charter amended, and how.

1. The Police Judge of Frankfort shall have the power to grant injunctions, writs of *ne exeat*, *habeas corpus*, and restraining orders, in the same manner as two of the Justices of the Peace, appointed by the Franklin County Court. And he shall have the right to demand, and receive, fifty cents for each application, whether the same be granted or refused by him.

Powers to Police Judge.

2. That, in trials before said Police Judge for any violation of the penal laws of the Commonwealth, or the ordinances of the town, in which the defendant is acquitted, neither said Police Judge nor Marshal shall be entitled to any fees for their respective services, either against the prosecutor or the Trustees of the town.

Fees, when to be collected.

3. The Trustees shall have the power to levy a tax on all itinerant merchants or pedlers of goods, wares or merchandise, sold or offered to be sold, in said town, unless the same be the manufacture of the person or persons offering to sell.

Trustees may levy a tax on itinerant merchants.

4. The Chairman of the Board of Trustees, for the time being, shall have the power to administer oaths to any officer appointed by the Trustees, or concerning any matter pending before said Trustees, or connected with the administration of the affairs of said town ; and any oath administered by said Chairman shall be as binding as if the same had been administered by a Justice of the Peace of Franklin county, or by the Police Judge of said town.

Oaths, how and by whom administered.

Approved March 1, 1848.

CHAPTER 516.

AN ACT to incorporate a road from Washington to Murphysville, in Mason county.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That a Company shall be formed, under the name, style and title, of "The Washington and Murphysville Turnpike Road Company," for the purpose of constructing an artificial road from Washington to the North Fork of Licking, at Murphysville.

Name & style of company.

SEC. 2. That the capital stock of said Company shall be fifteen thousand dollars, to be divided into shares of one hundred dollars each.

Capital stock.

SEC. 3. That books, for the subscription of stock in said Company, shall be opened on the first Monday in March

Books to be opened, and where.

1848.

Com'rs to receive subscriptions appointed.

Shall give notice of time of opening books.

Com'rs shall call meeting of stockholders in Washington.
President and Directors to be elected.

To take oath.

Treasurer, &c., to be appointed.

Treasurer to give bond.

President and Directors created a body corporate.
Name & style of corporation.

May hold real estate.

next, at the towns of Washington and Murphysville, and to continue open until the amount of stock shall be subscribed, under the directions of Alexander Hunter, John Curtis, Jas. Best, Joseph How, Jas. Henderson, Jas. Gault and Jeremiah Cracraft, or some one of them, who are hereby appointed Commissioners. They shall give notice, in one of the newspapers printed in the city of Maysville, and at some public place in the town of Washington and of Murphysville, of the time and place of opening the books for the subscription of stock in said Company.

Sec. 4. That, so soon as the amount of capital shall be subscribed, the said Commissioner shall call a meeting of the stockholders, to meet at the town of Washington, and shall hold an election for a President and six Directors of said Company, who shall hold their office for one year, and until others shall be duly elected and qualified. The President and Directors shall, before they enter on the duties of their respective offices, take an oath before some Justice of the Peace, that he or they will faithfully discharge the duties of President or Director, without favor or affection, according to the best of his judgment. Upon the qualification of the President and Directors, or a majority of them, they shall appoint a Treasurer, and such other officers as they may deem necessary, who shall hold their offices for one year, and until others shall be appointed and qualified. The Treasurer of said Company, before he enters on the duties of his office, shall give bond with good security, in the penalty of three thousand dollars, payable to the President and Directors of said Company, conditioned that he will faithfully discharge the duties of Treasurer of said Company; that he will pay the amount of money in his hands to the order of the President and Directors, and that he will faithfully perform the duties required of him by the by-laws of said Company.

Sec. 5. That, upon the election and qualification of the President and Directors, as aforesaid, they shall be a body politic and corporate, in deed and in law, by the name, style and title of "The Washington and Murphysville Turnpike Road Company;" and by the said name, the said Company shall have perpetual succession, and all the privileges and franchises incident to a corporation; and shall be capable of holding their capital stock, and the increase of their profits thereof; and of purchasing, taking and holding, to them and their successors and assigns, and of selling transferring and conveying, in fee simple, all such lands tenements and hereditaments, and estate, real or personal, as shall be necessary to them in the prosecution of their work; and to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, in courts of record, or in any other place whatever; also, to have a com-

mon seal, and to do all and every other matter or thing which a body politic or corporate may lawfully do.

SEC. 6. That the said President and Directors, upon their entering on the duties of their office, shall call on the stockholders for the payment of ten dollars on each share of stock; and may, if necessary, call for ten dollars on each share subscribed, every sixty days, until the whole amount shall be paid. And if it shall be ascertained that the amount of capital, herein mentioned, shall not be sufficient to accomplish the object of this act, the President and Directors may enlarge the capital to such an amount as they may deem necessary, and open subscriptions therefor in such manner as they direct; or they may apply the proceeds of such part of the said road as may be completed, to the completion of the same.

SEC. 7. That each stockholder shall, at all elections, be entitled to one vote for each share up to ten; and for each two shares over ten, he shall be entitled to one vote. The stockholders may vote in person or by proxy; and none but a citizen of Mason county, and a stockholder, shall be eligible as President, Director or Treasurer, and the President or Directors shall cease to be such, on his or their ceasing to be a stockholder. The annual election for a President and Directors shall be held on the first Monday in April, in each year, at such place as the President and Directors may direct, having given thirty days notice thereof; and, on the day of such election, it shall be the duty of the President to lay before the stockholders an expose of the situation of said Company; also, the record containing their proceedings for the preceding year.

SEC. 8. That the President of said Company shall deliver a certificate for each share of stock in said Company, signed by himself, and attested by the Treasurer, with the seal of the corporation; which certificate shall be transferable on the books of the said corporation, in person or by attorney; but no share shall be transferred until all the calls and arrearages are paid thereon. On the transfer of any share, the original certificate shall be surrendered, and a new certificate issued to the person entitled thereto, who shall become a member of said corporation.

SEC. 9. The President shall call meetings of the Directors at such times and places as he may think proper. A majority of all the Directors shall be necessary for the transaction of business. They shall keep a record of all their proceedings, to be entered in a book to be provided for that purpose, which shall be signed by the President; and in case of the absence of the President, any four Directors may call a meeting and elect a President *pro tempore*.

SEC. 10. The President and Directors shall have power and authority to agree with, and appoint all such Survey-

1848.

Calls on stock.

President and Directors may increase capital stock.

How stockholders can vote

President and Directors to call stockholders.

Annual elections.

Notice to be given of time of elections.

Certificates of stock.

Certificates transferable. Conditions.

President shall call meetings of stockholders.

To keep a record.

1848.

Payments for stock.

Orders on the Treasurer, and how drawn.

President to give notice of calls on stock.

Penalty for neglect to pay calls on stock.

Forfeiture of stock.

Stockholders shall not vote unless calls on stock are paid.

Survey of road to be made.

Plat of road to be made and deposited with the Treasurer.

President, &c., may enter on lands of individuals, &c.

Right of way may be agreed on with owners of land.

ors, Engineers, Superintendents, Artists and Officers, as they shall judge necessary to carry on the contemplated work, and to fix their salary or wages; to prescribe the time, manner and proportions in which the stockholders shall make payments on their shares; to draw orders on the Treasurer for all moneys necessary to carry on said work, and to pay for labor and materials furnished; and to do all such other matters and things as by this charter, and the by-laws of the corporation, they are or may be required to do.

SEC. 11. That the President shall give notice in such manner as he may deem proper, of the amount of call on each share of stock, and of the time of payment. And if any stockholder shall neglect or refuse to pay his proportion of stock so called for, for the space of thirty days after the time appointed for payment thereof, every such stockholder shall, in addition to the amount so called for, pay at the rate of one per cent. per month for every delay of payment; and if he shall fail to pay the amount of the call, and the penalty aforesaid, for the space of six months after the time such payment is required, he shall forfeit such share or shares to the corporation, together with the amount that shall have been paid thereon: *Provided*, that no stockholder shall vote at any election, or be entitled to any of the rights of a member of said corporation, unless the whole amount due and payable, as aforesaid, on each share by him held, shall have been paid agreeably to the requisition of the President.

SEC. 12. That the President and Directors, with their Surveyors, Engineers, Artists and Chain Carriers, are hereby authorized to enter in and upon the land and enclosures, public roads and highways, in, through and over, which said intended road may be thought proper to pass; and to examine and survey the ground most proper for that purpose, and to examine the quarries or beds of stone, and gravel, and other materials necessary for the completion of said road; and they shall locate the said road, and cause a plat of the same to be made out and deposited with the Treasurer of said Company.

SEC. 13. That it shall and may be lawful for the President and Directors, with their Superintendents, Engineers, workmen and laborers, with their tools and instruments, carts, wagons and other carriages, and their beasts of draught or burthen, to enter upon the land, in and over, contiguous and near to which said intended road shall pass, having first given notice of their intention to the owners and occupants thereof, or their agents: *Provided*, that if the President and Directors shall not agree with the owners of the land through which said road is proposed to pass, as to the damages which said owners may sustain by said road passing through their land, the President and Directors shall

apply to the County Court of Mason county for a writ of *ad quod damnum*, to assess the damages which may be sustained by the owners of the land; and the jury, in assessing damages, shall take into consideration the advantages and disadvantages resulting to the party claiming damages by the establishment of said road; and, upon the payment, or tender of the damages assessed, or where there are not any damages assessed, it shall be lawful for the President and Directors to open and make said road, and to dig and carry away, any stone, gravel, earth, or other material, necessary for the construction or repairing said road.

SEC. 14. That, so soon as the President and Directors shall have completed two and a half miles of said road, connecting the same with the Maysville and Lexington Turnpike Road, they may cause a gate to be erected across said road, and may collect one half the amount of tolls now allowed by law to be collected on the Turnpike Roads now established, for the travel of five miles on Turnpike Roads; and, as soon as the balance of the said road is completed, the President and Directors shall be entitled to receive full tolls, at the same rate for the whole distance, as now allowed to be collected on other Turnpike Roads: *Provided*, that tolls shall not be collected from persons passing through the gate, who are now exempted by law from paying tolls on other Turnpike Roads.

SEC. 15. That if any person or persons, liable to pay tolls at the gate erected on said road, shall, with intent to defraud the said Company, pass through any private gate, bars, or fence, or along and over any ground or land near to, or adjoining said Turnpike gate, or with the intent aforesaid, shall take off, or cause to be taken off, any horse, cattle, or other animal, to avoid paying toll, or shall practice any other fraudulent device, with the intent to lessen or evade the payment of toll, such person, so offending, shall, for each and every such offence, forfeit and pay to the President, Directors and Company aforesaid, the sum of five dollars, recoverable before any Justice of the Peace of Mason county.

SEC. 16. That if, at any time the said road shall be out of repair for the space of ten days, it shall and may be lawful for any person to call on two Justices of the Peace of Mason county, to go and inspect said road; and if, upon inspecting the same, and receiving proof that it had been out of repair for ten days previous thereto, the said Justices, by their written order, delivered to the President of the road, and also the gate keeper, may direct that no toll shall be received on said road until the same shall be repaired and put in good order; and if any toll shall be taken or demanded, after the delivery of such order, the said Company shall forfeit and pay, to the person aggrieved, the sum of five dollars for each and every offence, to be recovered before a

1848.

Damages, how assessed, &c.

When toll-gates can be erected and tolls collected.

Persons exempt on other roads not to pay toll.

Persons refusing to pay toll or going round a gate may be fined.

When road is out of order no toll to be collected.

Penalty for collecting toll when road out of order.

1848.

When road is repaired toll to be collected.

Justice of the Peace on process served on the acting President of said Company: *Provided*, that, upon the said road being repaired, the President and Directors shall call on two Justices of the Peace to examine the same, and if they should be of opinion the road is in good repair, they shall certify the same, and direct that toll shall be received at the gate, agreeably to the provisions of this act.

President and Directors, to keep an account of receipts and disbursements.

SEC. 17. That the President and Directors shall keep a fair and just account of all money received by them on account of the stock; also, the amount expended in prosecuting said work, and of the costs, charges and expenses of said road, which shall be entered on the books of the Treasurer: and, after the said road shall be completed, the President and Directors shall, at the end of each six months, make a dividend of the nett profits, and pay to each stockholder his proportion thereof. The dividends shall be declared on the first Mondays in April and October in each year.

Dividends.

Carriages, &c., to keep on right hand side of the road, except in overtaking slow or vehicles.

Fines for violation of this section.

SEC. 18. That all carriages using said road shall, in passing other carriages, keep on the right hand side of the road, leaving the other side, or at least one half of the road, free and clear for other carriages and vehicles to pass, except when overtaking and passing carriages of slower draft or speed; and every person offending against this provision, shall pay to any person suing for the same, five dollars; and also all damages that any person may sustain by a violation of this provision, recoverable before the proper court having jurisdiction thereof: *Provided*, that no suit to recover the penalties under the provisions of this act, shall be maintained or prosecuted, unless the same shall have been commenced within six months after the offence was committed.

Gate-keepers to give bond.

SEC. 19. That the President and Directors shall take bonds, with good security, from the gate keeper and other persons employed by them, for the faithful discharge of the duties to them respectively assigned; which bonds they may cause to be renewed whenever they may deem it necessary; and the same shall be taken to the President, Directors and Company as aforesaid.

Grade of road.

SEC. 20. That said road shall be so levelled and graded, that when completed, the elevation thereof shall not exceed four degrees.

Width of road, and depth of metal.

SEC. 21. *Be it further enacted*, That said road shall not be less than thirty feet wide, nor more than forty five; and the metal thereon not less than twelve feet wide, and the depth of the metal not less than six inches on said road.

Legislature may amend this charter.

SEC. 22. The General Assembly reserves to itself the right to alter or amend the charter hereby granted, after the lapse of twenty years from the passage of this act.

Approved March 1, 1848.

CHAPTER 517.

AN ACT to incorporate the Elizabethtown Female Academy.

1848.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That Samuel Haycraft, Harvey Slaughter, Henry B. Helm, A. H. Cunningham, Charles G. Wintersmith, James W. Hays and Samuel V. Leedom, and their successors in office, be and they are hereby created a body politic and corporate, by the name and style of the Trustees of the Elizabethtown Female College; and, by that title to have perpetual succession, with power to sue and be sued, plead and be impleaded, to acquire, hold and convey, and receive conveyances of property, both real, personal and mixed; and to have and use a common seal.

Corporators names.

Name & style.

Powers, &c.

SEC. 2. That the Trustees incorporated by this act, shall, at their first meeting after its passage, choose from their own body, annually, a President, Treasurer and Secretary; and the said Trustees shall fill all vacancies occurring in their own body, or in the said offices; and, at all meetings of the Board, a majority shall constitute a quorum to do business.

Trustees to choose a President.

Vacancies—how filled.

SEC. 3. That the Trustees shall have power to appoint a Principal of said Institution, and such Professors and Instructors as may, at any time, be necessary for the instruction of the pupils therein, in the arts and sciences, and in all necessary, useful, or ornamental branches of a thorough and liberal education, such as is taught in the best female colleges. And the said Trustees shall have power to make such rules and regulations as they may deem expedient for the government and conduct of said Institution; to prescribe such course of study, and such mode of instruction therein, as they may judge best; and to confer on those pupils, whom they shall deem worthy, all such literary honors and degrees as are usually conferred by the best female institutions or academies.

Trustees shall appoint principal, &c.

Approved March 1, 1848.

CHAPTER 518.

AN ACT to amend the charter of the Bourbon County Agricultural Society.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That at the next annual meeting of the Bourbon County Agricultural Society, said Society may determine at what time and place it will hold its annual meetings thereafter; and said Society may, at any one of its annual meetings, determine upon what terms it will use and occupy any tract of land, not exceeding ten acres, which shall have been purchased, or which may be purchased by an association of individuals, for the use of said Society.

Approved March 1, 1848.

1848.

CHAPTER 520.

AN ACT to incorporate the Greysville and Russellville Turnpike Road Company, and for other purposes.

Company authorized, & for what purpose. SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That a Company shall be, and is hereby formed, for the purpose of making an artificial turnpike road, on the McAdams plan, from the end of the turnpike road at the Tennessee line, near Greysville, in Todd county, by Greysville, Hadensville, Allensville, &c., to Russellville, in Logan county, to be known by the name and style of the Greysville and Russellville Turnpike Road Company, and by that name shall be a body politic.

Name & style.

Capital stock.

Subscriptions, when opened, & where.

SEC. 2. The capital stock of said Company shall be one hundred thousand dollars, to be divided into shares of one hundred, or fifty dollars each. Subscriptions, for stock in said Company, shall be opened on the first Saturday in April next, or in a convenient time thereafter, and continue open for two years, unless the whole stock shall be sooner subscribed, at Greysville, Allensville, Hadensville and Russellville, under the Commissioners hereafter named.

Commissioners names.

SEC. 3. The following persons are hereby appointed Commissioners to receive subscriptions of stock, viz: At Greysville, John Ware, Joseph R. Perkins and William M. Terry; at Allensville, E. L. Anderson, B. L. Clark, J. W. Irwin and James Small; at Hadensville, James M. Terry, Thomas Kimbrough, Ben. K. Tully and George Snador; at Russellville, George Norton, Nimrod Long and Hugh Barclay. At each of the above places, any two Commissioners may act.

Comrs to procure books.

Obligation.

SEC. 4. That such of the Commissioners as shall act to open books for the subscription of stock, shall procure one or more books, and the subscribers shall sign the following obligation, viz: "We, whose names are hereto subscribed, do respectively promise to pay to the Greysville and Russellville Turnpike Road Company, the sum of one hundred, or fifty dollars, for each share opposite our names, in such proportions and at such times as shall be determined by said Company."

Meeting, when authorized and how called.

SEC. 5. That, so soon as two hundred shares in said Company are subscribed, it shall be the duty of said Commissioners to give notice of a meeting of the stockholders, in the town of Hadensville, for the purpose of choosing officers, the notice to be advertised fifteen days previous to such meeting, in the Russellville Herald; at Greysville, Hadensville and Allensville, by written notices; and the voters, in choosing officers for said Company, shall be regulated by the number of shares, allowing one vote for each share.

Powers, when organized.

SEC. 6. That, so soon as the Company is organized, the President, Managers, and other officers of said Company shall possess all the powers, authority, rights and privi-

leges, and shall and may do all acts and things necessary for carrying on and completing said turnpike road, as well as laying out or locating the road; and shall be subject to all the duties, qualifications, restrictions, penalties, fines and forfeitures, (if any,) and be entitled to like tolls and profits as are given and granted to the Danville and Hustonville Turnpike Road Company; and all the provisions of the act, approved March 1, 1844, incorporating the Danville and Hustonville Turnpike Road Company, are hereby enacted as part hereof, except so far as they are local in their application, or come in collision with the foregoing sections.

Sec. 7. The elevation of the grades of said road shall be fixed and regulated by the President and Managers thereof.

Sec. 8. The President and Managers may erect a toll gate for every five miles of continuous road finished: *Provided*, no gate shall be erected within less than one mile of Russellville, Allensville and Hadensville.

Sec. 9. That part of the road lying between Allensville and Greysville shall be first constructed.

Sec. 10. *Be it further enacted*, That so much of an act, entitled, an act to amend the charter of the Louisville and Elizabethtown Turnpike Company and Covington and Lexington Turnpike Company, approved February 7, 1845, as conflicts with, or repeals the 17th section of the act incorporating the said Louisville and Elizabethtown Turnpike Road Company, approved February 2, 1833, or any part thereof, be and the same is hereby repealed; and said 17th section of the said act, incorporating said Company, or so much thereof as has been repealed, is hereby revived, but to have force and effect in Jefferson county alone; and all other acts or parts of acts conflicting with the provisions of this act, are hereby repealed: *Provided*, that this act shall not take effect until the 1st day of May, 1849.

Approved March 1, 1848.

1848.

Grades.

Toll gates.

Part first to be constructed.

Charter of Louisville and Elizabethtown, & Covington & Lexington companies amended.

CHAPTER 521.

AN ACT for the benefit of the town of Winchester.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the Board of Trustees of the town of Winchester are hereby authorized, by an order or orders to be entered on their records, to pledge the faith of said town to the payment of any debt contracted by said Board for the use and benefit of said town, specifying, in such order or orders, to whom, on what account, and the amount owing; and the present and accruing taxes of said town shall, therefore, when collected, be appropriated towards the payment of said debts in the order named: *Provided, however*, that nothing contained in this act shall

Trustees may pledge town for debt.

1848.

prevent the payment, by the Trustees of said town, of the necessary repairs of the streets and alleys of said town, and such other incidental expenses as may be necessarily incurred by them in the management of the affairs of said town.

May take sense
of citizens as to
building a new
Seminary.

SEC. 2. The said Board of Trustees are furthermore authorized to cause a poll to be opened in said town, on the second Saturday of April, 1848, to ascertain the sense of the legal voters of said town for and against the propriety of the Trustees of said town disposing of the materials of the present building, and erecting on the Seminary lot a new Seminary building; and shall, before doing so, ascertain the probable cost, which, together with the financial condition of the said corporation, shall be made known, by written or printed notices, at least ten days before said poll is taken; and if a majority of the legal voters of said town shall, upon said occasion, vote in favor thereof, said Board of Trustees, or their successors, shall, and they are hereby authorized to borrow, on the faith of said town, such amount of money as they may deem necessary to pay therefor, and pledge, by order on their records, the taxes of said town, when collected, for the payment thereof; but if a majority of said legal voters do not vote for the erection of said new seminary building, then it shall not be built by the town corporation.

SEC. 3. All acts coming within purview of this act are hereby repealed.

Approved March 1, 1848.

CHAPTER 522.

AN ACT to establish an election precinct at Trenton, in Todd county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That an election precinct shall be, and is hereby established, in the town of Trenton, in Todd county: and the County Court of said county shall appoint all the necessary officers for said precinct, who shall be governed, in holding elections thereat, by the laws now in force upon the subject of elections.

Approved March 1, 1848.

CHAPTER 523.

AN ACT to incorporate the Louisville and Taylorsville Turnpike Road Company.

Name & style
of Company.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That a Company shall be, and the same is hereby incorporated for the purpose of constructing a Turnpike Road, upon the McAdam's plan, from or near

George Doup's, on the Bardstown Turnpike, in Jefferson county, by way of Jeffersontown, and by or near Fisher's mill, to Taylorsville, in Spencer county, under the name and style of the President, Directors and Company of the Louisville and Taylorsville Turnpike Road.

1848.

SEC. 2. *Be it further enacted*, That the capital stock of said Company shall be one hundred thousand dollars, divided into shares of fifty dollars each.

Capital stock.

SEC. 3. That the books for the subscription of stock in said Company shall be opened on the 3d Monday in April, 1848, at Louisville, Jeffersontown, Fisher's Mill and Taylorsville, under the direction of Commissioners hereafter named; that is, at Louisville, under the direction of Robert Tyler, James Speed and Levi Tyler: At Jeffersontown, under the direction of S. N. Kalfus, John R. Moore and John S. Seaton: At Fisher's Mill, under the direction of Robert Fisher, Hezekiah Pound and Stephen Bridwell: At Taylorsville, under the direction of Mark E. Huston, Stillwell Heady, James Vandyke, John Cochran, David R. Poignard and Alexander Thomas. The Commissioners named, at each of the above places, shall procure one or more books, and in each of them enter as follows: We, whose names are hereunto subscribed, do promise to pay to the President, Directors and Company of the Louisville and Taylorsville Turnpike Company, the sum of fifty dollars for every share of stock in said Company set opposite our names, in such manner and proportions, and at such times as shall be determined on by the President and Directors of said Company, and agreeably to an act of Assembly of the Commonwealth of Kentucky, incorporating said Company: witness our hands this — day of — in the year —. The said Commissioners shall give, in one or more of the public newspapers printed in the City of Louisville, Kentucky, one months' notice of the time and place at which books shall be opened to receive subscriptions in stock in said Company; at which times and places, one or more of the Commissioners, at each place, will attend, and permit all persons of lawful age, bodies corporate and politic, who shall offer to subscribe in said books, in their own names, or that of any other who shall duly authorize the same, for any number of shares in the said stock. The said books shall be kept open for the purpose aforesaid, by adjournment from time to time, and from place to place, if necessary, until the whole number of shares shall be subscribed; of which adjournment the said Commissioners shall give such notice as the occasion may require: *Provided*, the President and Directors of said Company shall not have the power to call in more of said stock than five dollars on each share in any sixty days.

Books to be opened for subscriptions.

Com'rs to receive subscriptions appointed.

Obligation to be signed by subscribers.

Notice to be given of opening of subscription books.

Books to be kept from time to time.

Call on stock.

1848.

Com'rs to give notice, and call meeting for election of officers.

Sec. 4. That whenever eight hundred shares of said stock shall have been taken, the Commissioners shall give thirty days notice, in one or more of the newspapers printed in the City of Louisville, that the number of shares, required by the act of incorporation to organize the Company, have been subscribed; and that an election will be held at Jeffersontown to choose, by a majority of the votes of the subscribers, by ballot, to be delivered in person or by proxy, authorized, a President and five Directors, a Treasurer, and such other officers as they may think necessary, to conduct the business of said Company for one year, or until other such officers shall be elected.

Company, when organized, declared a body corporate, &c.

Capital may be increased.

May hold real estate.

May have and use a common seal.

Width of road, and metal on road.

Grade of road. Gate may be erected, and toll received.

Sec. 5. That when the Company shall be thus organized, they shall be, and they are hereby declared a body politic and corporate, in deed and in law, by the name, style and title of the President, Directors and Company of the Louisville and Taylorsville Turnpike Road Company; and, by said name, the subscribers shall have perpetual succession, and all the privileges and franchises incident to a corporation; and shall be capable of taking and holding, the said capital stock, and the increase and profits thereof; and of enlarging the same, from time to time, by new subscriptions, in such manner and form as they shall think proper, if such enlargement shall be found necessary, to fulfil the intent of this act; and of purchasing, taking and holding, to them and their successors and assigns: and, also, of selling, transferring and conveying, in fee simple, all such lands, tenements, and hereditaments, and estate, real and personal, as shall be necessary to them in the prosecution of their works; of suing and being sued, pleading and being impleaded, answering and being answered, defending and being defended, in all courts of record or any other place whatsoever: and, also, to make, have, and use, a common seal, and the same to break, alter and renew at pleasure; to make all such by-laws and regulations, not inconsistent with the laws and constitution of this Commonwealth, or of the United States, as shall be necessary; and to do all and every matter and thing which a body politic or corporation may lawfully do.

Sec. 6. That the whole width of said road shall be fifty feet, the graded part whereof shall be, at all places, (where the ground will admit of it,) at least thirty feet in width, and the McAdamized part thereof shall be covered with good pounded rock, not less than nine inches thick, and not less than twelve nor more than eighteen feet wide. The McAdamized part may be placed at one side of the grade, if the President and Directors prefer it.

Sec. 7. The grade upon said road shall, in no case, exceed three degrees. And whenever five miles of said road shall be completed, the President and Directors shall have power to erect a toll-gate, and employ a gate-keeper and

collect toll thereon, in manner, and to the extent pointed out by the charter of the Louisville and Shelbyville Turnpike Road Company.

SEC. 8. In constructing said road between the points named, the President and Directors shall pursue the route upon which the greatest amount of stock may be subscribed, having an eye to the accommodation of the greatest amount of travel by the citizens of the two counties. And the President and Directors may cause any number of routes to be surveyed that to them may be deemed necessary.

Location of road, how to be made.

SEC. 9. In the election of President and Directors, Treasurer, &c., each share of stock, to the number of ten, shall entitle the owner to one vote; and every two shares, over ten, shall entitle the owner to one vote: *Provided*, that no person shall be elected a President or Director unless he be a stockholder; and shall vacate his office on ceasing to be one. The President and Directors for the time being, may supply any vacancy which may arise in their body, from any cause, and whenever there shall be a failure to make an annual election, the President and Directors may direct and advertise an election on any other day they may think fit.

Each share entitled to 1 vote.

Vacancies—how filled.

SEC. 10. *Be it further enacted*, That it shall and may be lawful for the said President and Directors, by and with their Superintendents, Engineers, Artists, workmen and laborers, with their tools and instruments, carts, wagons, sleds, and other carriages, and beasts of draught and burden, to enter upon the lands in, and contiguous, and near to which the route and track of said intended road shall pass, having given notice of the intention to the owners or occupiers thereof, or their agents, and making amends for any damage that may be done thereon, the amount thereof, if they cannot otherwise agree upon, to be ascertained by an appraisement, made upon oath or affirmation, by thirteen disinterested freeholders, mutually chosen, any nine of them agreeing; or if the owners, occupiers, or their agents, upon due notice, shall neglect or refuse to join in the choice, then the said freeholders shall be appointed by any disinterested Justice of the Peace for the county where such valuation shall be made; and, upon tender of the appraised value, it shall be lawful for the said President and Directors to open and mark the said road, and to dig, take and carry away, any stone, gravel, sand, earth, or other materials, there being, most conveniently situated, for making or repairing the said road: *Provided, always*, that the freeholders, chosen or appointed aforesaid, in making said valuation, shall take into consideration the advantages or disadvantages arising to the proprietors of such land on account of said road: and where no damage shall be assessed, the owner of the land shall pay the costs and expenses incurred by such appraisement.

May proceed to work, giving notice to owners of the land passed through.

If damages cannot be agreed on, mode of assessing pointed out.

Damages having been assessed, and payment tendered, may proceed to make road.

1848.

Stockholders
may pay for
stock in work.

May begin to
work at various
places at same
time.

SEC. 11. And to more fully explain this act, the President and Directors shall have full power to permit any stockholder to work out the stock on said road that he may have subscribed, or any part thereof: *Provided*, he do it at as low a rate as any one else is willing to it for.

SEC. 12. That the President and Directors shall have the power to commence operations, in constructing said road, at as many places as they shall deem expedient, to expedite the same.

Approved March 1, 1848.

CHAPTER 524.

AN ACT for the benefit of Richard D. Neale, of Warren county.

WHEREAS, on the 21st of November, 1810, a survey was made by the Surveyor of Warren county, in favor of John McNeel, assignee of Adam Douglass, for 100 acres of land, lying in said county, by virtue of part of a removable certificate, No. 1112, granted by the Christian County Court; which survey was, on the 22d day of November, 1810, admitted to record by the Surveyor of Warren county: and, whereas, the original plat and certificate of said survey was thereafter assigned, by the said McNeel to Richard D. Neale, and which has since been lost, in consequence of which, said Neale cannot obtain a patent for said land. Therefore,

Register to is-
sue patent.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Register of the Land Office be, and he is hereby authorized to issue, a patent to the said Neale, for said tract of land: *Provided, however*, this act shall not effect any vested right or title of any person to said land.

Approved March 1, 1848.

CHAPTER 525.

AN ACT for the benefit of the Trustees of School District, No. 7, in Anderson county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Trustees of Common School District, No. 7, in Anderson county, be and they are hereby permitted to make their annual report for the years 1846 and 1847, to the Common School Commissioners of said county, who shall report the same to the Superintendent of Public Instruction, whose duty it shall be to report the same to the Second Auditor, who shall draw his warrant on the Treasurer in favor of the Common School Commissioners of said county, for the amount due said district for said sums, and

who shall pay the same to the Trustees of said district, any law to the contrary notwithstanding.

1848.

Approved March 1, 1848.

CHAPTER 526.

AN ACT for the benefit of Uriah Pierce, and Betsey, his wife.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the marriage contract heretofore existing between Uriah Pierce, and Betsy, his wife, be and the same is hereby dissolved and annulled, and they be divorced from each other; and that the act passed at the present session, divorcing Solomon Pierce, from his wife, Betsey Pierce, be and the same is hereby repealed and set aside.

Approved March 1, 1848.

CHAPTER 527.

AN ACT for the benefit of George F. Hatcher.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That George F. Hatcher, Clerk of the Lawrence Circuit and County Court, have, and is hereby allowed, one year from and after the passage of this act, to list, for collection, any fee bills due him for the years 1844 and 1845, and said officers with whom said fee bills are listed, shall have the same power to collect said fee bills as though the same had been listed the year following: *Provided*, that the said Clerk shall be responsible if any fee bill shall be by him listed which is paid, or any one for which the service has not been rendered or otherwise illegal; said Geo. F. Hatcher shall be responsible to the party aggrieved in the mode now pointed out by law.

Approved March 1, 1848.

CHAPTER 528.

AN ACT authorizing the Trustees of the town of Frankfort and the Franklin County Court to subscribe for stock in certain companies.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall be lawful for the Board of Trustees of the town of Frankfort to subscribe for any amount of stock in the Louisville and Frankfort Railroad Company; in the Lexington and Frankfort Railroad Company; in the Frankfort and Lawrenceburg Turnpike Road Company, and in the Turnpike Road Company from Frankfort to Lexington, on the Coles road: *Provided*, the said Board shall, before they make such subscriptions, take the

Trustees may
subscribe stock
in Railroad, &c.

1848.

sense of the voters of said town, in a regular poll to be opened for that purpose, on the amount to be subscribed for each work, and a majority voting must approve the same before the Trustees shall act.

Funds to pay
subscriptions,
how raised.

SEC. 2. To raise the funds to pay such subscriptions, or either of them, the Board may, from time to time, levy, on the persons and property, real or personal, in said town, such taxes as may be necessary, and to be collected in the same manner as their ordinary taxes.

Tax payers en-
titled to share of
stock.

SEC. 3. Each and every person, citizens of Frankfort, who pay any of the taxes assessed and collected by virtue of this act, shall be entitled to his *pro rata* share of said stock in either of the companies, and shall be entitled to demand and receive, a certificate, so soon as he shall have paid for a full, half or quarter share, or shall produce transfers from those who have paid portions, so as to entitle him to full, half or quarter share.

C'ty C't may
subscribe.

SEC. 4. The Franklin County Court, a majority of the Justices of said county being present and concurring, may, at any time, authorize a subscription on behalf of the county, in either of the Companies mentioned herein, and to levy and collect the same of the tytheables in the county, as in ordinary cases.

Approved March 1, 1848.

CHAPTER 529.

AN ACT for the benefit of Common Schools in the counties of Whitley, Laurel and Rockcastle.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the proceeds of the public lands in Whitley county, be and the same are hereby applied to Common Schools in said county, and shall be paid over to the Commissioners in said county, and applied by them to the benefit of said Schools, as they may think best.

SEC. 2. *Be it further enacted,* That the Commissioners of Common Schools, in the counties of Whitley, Laurel and Rockcastle, may, when they think it expedient, lay off districts in said counties so as not to include more than twenty children of the ages as prescribed by the present law; and when a school or schools are taught therein, as is now required by the laws regulating Common Schools, said districts shall be entitled to draw its equal proportion of the Common School funds.

Approved March 1, 1848.

CHAPTER 530.

1848.

AN ACT to provide for marking a road from Birch Lick Creek, in Madison county, to Brashears' Salt Works, in Perry county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Samuel Isaacs and David Stevens, of the county of Madison; William Morris and William Culton, of the county of Owsley; John Morris and Adonirum Allen, of the county of Clay; and Hiram Begley and Robert Brashears, of the county of Perry, be and they are hereby made Commissioners to view and mark, strongly, distinctly and durably, the way for a road from the Birch Lick branch, in Madison county, along the nearest and best route, through the counties above named, to the Salt Works of Robert Brashears, in Perry county; and the County Courts of said counties shall allow and pay proper compensation to the Commissioners of the counties respectively.

Approved March 1, 1848.

CHAPTER 531.

AN ACT to incorporate the town of Bridgeport, in Franklin county.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the town of Bridgeport, in the county of Franklin, as the same is now laid out, or may hereafter be laid out by the Trustees and corporate authorities of said town, herein created, be and the same is hereby established and incorporated, with the several streets and alleys, and the lots, as respectively laid out and numbered, or may be laid out and numbered hereafter, upon the plat thereof: *Provided*, that the ground, thus laid out, shall not exceed fifty acres; and it shall be the duty of the Trustees of the said town to cause the same to be surveyed, and the survey and plat to be recorded in the Clerk's office of the Franklin County Court.

Town established.

Provided.
Trustees to cause survey & plat recorded.

SEC. 2. That John Jenkins, R. Belt, W. Wiggs, Frederick Robb and H. Edwards, are hereby appointed Trustees for said town, and shall remain in office until the first Saturday in April, 1849; upon which day, and upon the first Saturday in April, in each succeeding year, the free white male inhabitants of the said town, of the age of twenty one years and upwards, shall meet at such place as may be designated by the Trustees of said town, and choose five fit persons, by vote, *viva voce*, to serve as Trustees of said town for one year, and until their successors are duly elected and qualified.

Trustees appointed & term of office.

Trustees, when elected.
Voters.

SEC. 3. That the said Trustees, and their successors in office, are hereby created a body politic and corporate, with power to enact ordinances, by-laws and regulations for the government of said town, not inconsistent with the constitution and laws of this State or of the United States; to

May make by-laws, &c.

1848.

May levy taxes.
Appoint As-
sessor & Clerk.

Proviso.

levy a tax on the real and personal estate and tithes; to appoint an Assessor to value the said property, and a Collector to collect the tax, to be appropriated by the Trustees for the improvement of the said town: *Provided*, that the tax shall not exceed the sum of ten cents on the hundred dollars worth of property, and fifty cents on each tithe within the bounds of the said town.

Power of Col-
lector.

SEC. 4. That said Collector shall have power to collect the taxes assessed; and, for that purpose, may make distress and sale in the same manner that Sheriffs are now allowed by law to collect the revenue of this State; the Trustees may require him to give bond, and shall make him a reasonable compensation for his services.

Trustees may
appoint a Clerk;
his duties.

SEC. 5. That the Trustees may appoint a Clerk, whose duty it shall be to keep a fair record of the proceedings of the Board of Trustees; and he shall give public notice, by advertisement in said town, of any election of Trustees, at least ten days before such election; and it shall be his duty to conduct such elections, to determine the qualifications of the voters, to declare the persons elected, and to record the same.

Majority to
concur to act un-
der this charter.

SEC. 6. That it shall require the concurrence of a majority of the Trustees to exercise the powers granted in this act; and, in the event of a failure to make an election on the first Saturday in April, 1849, the Trustees herein appointed shall continue in office until their successors are duly elected; and the said Trustees shall have power to fill all vacancies in their own body, occurring between the times of election; and they may change the time of holding elections to suit the citizens of said town.

Time of elec-
tion may be
changed.

Trustees shall
not interfere
with turnpike.

SEC. 7. The Trustees of the said town shall have no power to obstruct, or in anywise to interfere with, the Franklin County and Shelby County Turnpike Road which pass through the said town; and they shall be under no obligation to keep the same in repair as one of the streets of said town.

Officers to
take oath.

SEC. 7. The said Trustees, and the Assessor, Collector, and Clerk, authorized to be appointed by this act, shall take an oath, before some Justice of the Peace of Franklin county, well and truly to perform the duties of their respective offices, before entering upon the same.

Approved March 1, 1848.

CHAPTER 532.

AN ACT for the benefit of the Clerks of the Daviess and McCracken Circuit and County Courts.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall be lawful for the Clerk of the Daviess Circuit and County Courts to list the fees due

him, which accrued during the year 1845, with the proper officers for collection, who may collect the same as other officer's fees are now collectable, at any time within two years from the passage of this act.

1848.

SEC. 2. *Be it further enacted*, That the provisions of this act be extended to Braxton Small, Clerk of the McCracken Circuit and County Courts.

Clerk of McCracken.

Approved March 1, 1848.

CHAPTER 534.

AN ACT to incorporate the Graves Mill Turnpike Road Company.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That a Company shall be, and is hereby formed, for the purpose of making an artificial turnpike road, on the McAdam's plan, beginning at or near the mills of R. C. Graves, in the county of Woodford, and passing by or near the Clay school house, situate on the Nicholasville and Versailles Road, to intersect the Lexington and Versailles Turnpike Road at or near the house of James Craig, under the name and title of the Graves Mill Turnpike Road Company; and by that name and style shall be a body politic.

Company incorporated.

Objects of incorporation.

SEC. 2. The capital stock of said Company shall be twenty five thousand dollars, to be divided into shares of fifty dollars each; subscriptions, towards constituting stock in said Company, shall be opened at such place or places, as the Commissioners hereinafter named or appointed, shall select, on the first Monday in March next, or in convenient time thereafter, and continue open for twelve months, unless the whole stock shall have been sooner subscribed for; and shall be under the direction of the Commissioners hereinafter named or appointed.

Capital stock.

Books, where and when opened.

SEC. 3. *Be it further enacted*, That the following persons be, and they are hereby appointed Commissioners to do and perform the several duties required by this act: R. C. Graves, W. E. Scott, John Garrett, Robert Allen, Joseph A. Humphreys, John Allen, J. J. Long.

Commissioners named.

SEC. 4. *Be it further enacted*, That the Commissioners, appointed by this act to open books for the subscription of the capital stock of said Company, or such of them as may act, shall procure one or more books, and the subscribers therein shall subscribe an obligation of the following tenor, to-wit: "We, whose names are hereunto subscribed, do respectively promise to pay to the Graves Mill Turnpike Road Company, the sum of fifty dollars for each share set opposite to our respective names, in such proportions, and at such times as shall be determined by said Company or corporation."

Com'rs to procure books.

Obligation.

1848.

Meeting, when
called.

Notice.

SEC. 5. *Be it further enacted*, That, so soon as one hundred shares in said Company are subscribed, it shall be the duty of said Commissioners, or such of them as may act, to give notice of a meeting of the stockholders of said Company, at such place as the said Commissioners may designate, for the purpose of choosing officers, the notice to be by advertisement fifteen days previous to such meeting, at the Court House in the town of Versailles; and that the voters, in choosing the officers of said Company, shall be regulated by the number of shares, allowing one vote for each share.

Width of road.

SEC. 6. *Be it further enacted*, That the whole width of said road shall not be less than thirty nor more than forty feet, and the artificial part thereof covered with stone, fifteen feet in width.

Who may sub-
scribe.

SEC. 7. *Be it further enacted*, That it shall be lawful for the Trustees of any of the towns, any County Court or any corporation created by law, by their agent, for such purpose appointed, to subscribe for, and hold shares in, the capital stock of said Company, in the same manner that natural persons may; and to have and exercise the same right of representing their stock in said Company, by the votes of their respective agents, and enjoy all other rights and privileges, that any stockholder may enjoy.

Powers of
company when
organized.

SEC. 8. That, so soon as the said Company is organized, the President, Managers and other officers, shall possess all the powers, authority, rights and privileges, and shall and may do the acts and things necessary for carrying on and completing said turnpike road, as well as laying out or locating the road; and shall be subject to all the duties, qualifications, restrictions, penalties, fines and forfeitures, (if any,) and be entitled to like tolls and profits as were given and granted to the Maysville and Lexington Turnpike Road Company; and all the provisions of the act, approved January 22d, 1827, incorporating the Maysville and Lexington Turnpike Road Company, are hereby enacted as a part hereof, except so far as provided for in the preceding part of this act, or may come in collision with the provisions of the same; and, also, so much of the 14th section thereof as requires notice to the Governor, when five miles of said road shall be completed, and a license from him to erect gates, &c.,—the President and Managers of said road being authorized to perform that duty; and also, excepting the whole of the 27th, 28th and 29th sections of said act.

Grade.

SEC. 9. *Be it further enacted*, That the elevation of the grade of said road shall be fixed and regulated by the President and Managers thereof.

Gate.

SEC. 10. *Be it further enacted*, That there shall be but one toll gate erected upon said road, the situation of which shall be determined by the President and Managers.

Approved March 1, 1848.

CHAPTER 525.

1848.

AN ACT to repeal the law reducing the price of Vacant Lands in Clay county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That an act approved March 1, 1847, reducing the price of the vacant lands in Clay county to two dollars and fifty cents, be and the same is hereby repealed.

Approved March 1, 1848.

CHAPTER 536.

AN ACT for the benefit of Jacob Corbett, of Ballard county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Jacob Corbett be, and he is hereby allowed the further time, until the fall term of the Ballard Circuit Court, to enter into bond, as required by the act, entitled, "an act for the benefit of Jacob Corbett," approved March 1, 1847.

Approved March 1, 1848.

CHAPTER 537.

AN ACT to incorporate the Hodgenville Male and Female Seminary.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That a Seminary of learning be and the same is hereby established in the county of Larue, to be called and known by the name of the Hodgenville Male and Female Seminary; and that John Forline, William L. Morris, James W. Rogers, Daniel W. Dyer and Stephen W. D. Stone, be and they are hereby constituted a body politic and corporate, to be known by the name and style of the Trustees of the Hodgenville Male and Female Seminary; and, by that name, shall have perpetual succession and a common seal.

Seminary established.

Name & style of Corporation.

Sec. 2. That, upon the death, resignation or removal of any of said Trustees, or their successors, a majority of the remaining Trustees shall have power to fill any such vacancy or vacancies; and the person or persons so appointed, shall possess the same powers and privileges as if named in this act; and, by the name and style of the Trustees of the Hodgenville Male and Female Seminary, may sue, and be sued, plead and be impleaded, in any court of law or equity.

Vacancies—how filled.

Powers of Trustees.

Sec. 3. That the said Trustees, and their successors, shall have power and they are hereby authorized, to purchase or receive, by donation, any lot or piece of ground in or near the town of Hodgenville, in said county, upon which to erect said Seminary, and to receive a conveyance for the

May purchase and hold ground for Seminary.

1848.

Meeting, when
called.

Notice.

SEC. 5. *Be it further enacted*, That, so soon as one hundred shares in said Company are subscribed, it shall be the duty of said Commissioners, or such of them as may act, to give notice of a meeting of the stockholders of said Company, at such place as the said Commissioners may designate, for the purpose of choosing officers, the notice to be by advertisement fifteen days previous to such meeting, at the Court House in the town of Versailles; and that the voters, in choosing the officers of said Company, shall be regulated by the number of shares, allowing one vote for each share.

Width of road.

SEC. 6. *Be it further enacted*, That the whole width of said road shall not be less than thirty nor more than forty feet, and the artificial part thereof covered with stone, fifteen feet in width.

Who may sub-
scribe.

SEC. 7. *Be it further enacted*, That it shall be lawful for the Trustees of any of the towns, any County Court or any corporation created by law, by their agent, for such purpose appointed, to subscribe for, and hold shares in, the capital stock of said Company, in the same manner that natural persons may; and to have and exercise the same right of representing their stock in said Company, by the votes of their respective agents, and enjoy all other rights and privileges, that any stockholder may enjoy.

Powers of
company when
organised.

SEC. 8. That, so soon as the said Company is organized, the President, Managers and other officers, shall possess all the powers, authority, rights and privileges, and shall and may do the acts and things necessary for carrying on and completing said turnpike road, as well as laying out or locating the road; and shall be subject to all the duties, qualifications, restrictions, penalties, fines and forfeitures, (if any,) and be entitled to like tolls and profits as were given and granted to the Maysville and Lexington Turnpike Road Company; and all the provisions of the act, approved January 22d, 1827, incorporating the Maysville and Lexington Turnpike Road Company, are hereby enacted as a part hereof, except so far as provided for in the preceding part of this act, or may come in collision with the provisions of the same; and, also, so much of the 14th section thereof as requires notice to the Governor, when five miles of said road shall be completed, and a license from him to erect gates, &c.,—the President and Managers of said road being authorized to perform that duty; and also, excepting the whole of the 27th, 28th and 29th sections of said act.

Grade.

SEC. 9. *Be it further enacted*, That the elevation of the grade of said road shall be fixed and regulated by the President and Managers thereof.

Gates.

SEC. 10. *Be it further enacted*, That there shall be but one toll gate erected upon said road, the situation of which shall be determined by the President and Managers.

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Seminary established.

Name & style.

Corporators.

SEC. 2. That, upon the death, resignation or removal of any of said Trustees, or their successors, a majority of the remaining Trustees shall have power to fill any such vacancy or vacancies; and the person or persons so appointed, shall possess the same powers and privileges as if named in this act; and, by the name and style of the Trustees of the Hodgenville Male and Female Seminary, may sue and be sued, plead and be impleaded, in any court of law or equity.

Vacancies—how filled.

Powers of Trustees.

SEC. 3. That the said Trustees, and their successors, shall have power and they are hereby authorized, to purchase or receive, by donation, any lot or piece of ground in or near the town of Hodgenville, in said county, upon which to erect said Seminary, and to receive a conveyance for the

May purchase and hold ground for Seminary.

1848.

same, to them and their successors; and also to receive and collect donations of money, land or other property, for the erection of proper buildings, and to sell and convey the same for the use and benefit of said Seminary.

Trustees, when
to meet, & their
duty.

SEC. 4. That it shall be the duty of said Trustees to assemble at least once in three months, or oftener if they think proper, and make such examination into the progress of the students and management of the general concerns of the institution as they may deem necessary.

SEC. 5. That a majority of said Trustees shall form a quorum to do business; that they shall have power, from time to time, to select or dismiss a teacher or teachers, and to enact such rules and by-laws for the government of said institution as they may deem expedient, not contrary to the laws of this State.

SEC. 6. That said Trustees may elect a Chairman and other officers of their own body.

Proceeds sales
vacant lands ap-
propriated.

SEC. 7. That, for the purpose of aiding said Trustees in the erection of said buildings, the proceeds of the sales of vacant lands which are now on hand and unappropriated, or which may hereafter be received within the county of Larue, be paid over by the County Court of said county to said Trustees.

SEC. 8. That said Trustees be required to keep a record of their proceedings, in a book to be kept for that purpose, including the financial concerns of the institution.

Approved March 1, 1848.

CHAPTER 538.

AN ACT for the benefit of the children and heirs at law of Louisa Dennington, deceased.

Guardian may
file bill.

Mode of pro-
ceeding.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be lawful for James Ford, guardian of Elizabeth, Ann, and Eliza Dennington, infant children and heirs at law of Louisa Dennington, deceased, who was the daughter of Joseph Sellers, deceased, to file his bill in the Woodford Circuit Court, in which he shall state that the said Elizabeth, Ann, and Eliza Dennington own and are entitled, as heirs at law of the said Louisa Dennington, to an undivided interest in and to a tract of land lying on Clear Creek, in Woodford county, containing — acres, more or less, and that it would be to the interest and advantage of said infants to sell their undivided interest in said tract of land; and he shall make said infants parties to said bill in chancery, who shall be legally brought before the Court, and a guardian, *ad litem*, shall be appointed, who shall answer for them, which bill shall be verified by the oath of the said Ford; and proof shall be taken, by depositions, that it would be to the present and future advantage

of said infants to sell their undivided interest in said land; and if the Court shall be of opinion, upon due consideration, that it would be to the advantage of said infants to sell their undivided interest in said land, he may make a decree authorizing and directing said sale to be made, upon such restrictions as he may, in his discretion, deem best; and he may direct, in said decree, that the proceeds of sale shall be vested in lands in the State of Indiana, and the title to be made and vested in said infants; and the Court shall have full power to make all orders and decrees in the case that he shall think advisable, to secure said infant children in all their rights, and to carry out the provisions of this act.

1848.

Approved March 1, 1848.

CHAPTER 539.

AN ACT to incorporate the town of Jamestown, in Campbell county.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall and may be lawful for James T. Berry, James M. McArthur and Henry Walker, of Campbell county, to lay off any number of acres of land of the farm now belonging to them, on the Ohio river, opposite the town of Fulton, not exceeding one hundred and fifty-nine acres, in a town, with the necessary streets and alleys, and in lots of such size as they may think proper; which town shall be known and called by the name of Jamestown.

Town authorized to be laid off.

Name.

Sec. 2. That John Richards, Hubbard Helm, Lewis Thacker, Hiram Shellcross, Samuel Masters and John Baltson, be and they are hereby appointed Trustees of said town, and shall continue in office for one year, from the second Monday in March, 1848, and until their successors are duly qualified.

Trustees.

Sec. 3. That it shall and may be lawful for the free white male inhabitants of the said town, of the age of twenty-one years and over, to meet at such place therein as the Trustees of said town may direct, on the second Monday in March, 1849, and annually on the second Monday in March every year thereafter, and elect, by vote, *viva voce*, six fit persons for Trustees of said town, to serve for one year, and until their successors are duly elected. And said Trustees, in their corporate name, which shall be, "The Trustees of the town of Jamestown," shall have power to pass and enact such by-laws and ordinances, not inconsistent with the constitution and laws of this Commonwealth, as they, in their discretion, may deem proper for the benefit and better government of said town; to impose fines and forfeitures for all violations of the same, which may be enforced and collected before a Justice of

Time & mode of electing Trustees.

"Trustees power and duty.

1848.

precinct, in Hardin county, be and the same is hereby removed from the house of Lewis English to that of Martin Hardin, in said town.

Approved March 1, 1848.

CHAPTER 547.

AN ACT for the benefit of Aquilla Beecraft and Nancy S. Beecraft, his wife.

Upon petition filed, Judge may decree sale.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the Judge of the Bourbon Circuit Court, upon the filing of a petition by Aquilla Beecraft and Nancy L. Beecraft, his wife, which petition must be sworn to, setting forth that it will redound to the interest of the said Nancy L. Beecraft and her children, that certain lands and negroes, devised to the said Nancy L. Beecraft and her children, by Jacky S. Hitt, deceased, of the said county of Bourbon, be sold, may make a decree directing a sale of said land and negroes, if it shall appear to the Judge of said Court, upon proof thereof, that such sale shall be for the interest of said Nancy L. Beecraft and her children.

Court may make further orders.

SEC. 2. *Be it further enacted*, That the Judge of said Court may make such orders and decrees, to protect the interest of the children of said Nancy L. Beecraft, as, in his discretion, he may deem advisable; and to appoint a Commissioner to make a conveyance of the title of said land, when sold, to the purchaser or purchasers,

Approved March 1, 1848.

CHAPTER 548.

AN ACT for the benefit of James McConnel.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Board of Internal Improvement shall examine the claim of James McConnel, for clearing the banks of pool No. 3, on Green river, and report the evidence and opinion of the Board thereon, the first week of the next session of the Legislature.

Approved March 1, 1848.

CHAPTER 549.

AN ACT to amend the several acts concerning the Newport Seminary, and for other purposes.

Trustees may sell and convey lands.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the Trustees of the Newport Seminary shall have power to sell and convey, for the use

and benefit of said Institution, such lands as properly belong to said Seminary, or to which it is legally entitled, except the lots in Newport on which the Seminary is located.

1848.

SEC. 2. That where any of said lands shall be in the possession of any person setting up claim thereto, the Trustees shall have power to institute suit for the recovery of the same, or may, at their discretion, compromise and adjust any or all such conflicting claims or titles to said land, upon such terms and conditions as to said Trustees shall seem expedient: *Provided*, that the proceeds arising from the sale or disposition of said lands, (after paying the necessary expenses to be incurred,) shall remain in the hands of said Trustees, and shall not be by them expended or appropriated to any purpose whatever, until it is finally ascertained whether said fund properly belongs to the said Seminary, or to the Common School fund of Campbell county; and if it shall be decided that the Common Schools of said county are entitled to it, then the said Trustees shall be directed to pay the same over to the Campbell County Court, for the use and benefit of said Common Schools.

Trustees may sue for lands.

Proviso.

Approved March 1, 1848.

CHAPTER 550.

AN ACT to amend the road law of Campbell county.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall be lawful for any person who may be liable to pay a road tax, under the act to which this is an amendment, to work out the tax at the rate of one dollar per day, upon the roads within the precinct where he may live, whenever the hands are called out by the supervisor. And it shall be the duty of each surveyor of the public roads in said county of Campbell, after working his roads, to give to each person who may attend and faithfully work upon the roads within his precinct, a certificate of the number of days he may work, and allow therein one dollar per day, or at that rate: and the collector of said road tax shall receive and credit the amount of said certificate, in making his collections, as so much of the road tax paid by the holder thereof. And any person furnishing ploughs, wagons, or carts, by the direction of any supervisor, such person shall be allowed therefor, to be paid out of the road fund, such compensation, to be valued under the provision of the general law upon the subject.

Persons liable to tax can work out same.

Surveyor's duty.

A'm't to be allowed.

Persons furnishing ploughs, &c., how paid.

SEC. 2. That the 6th section of an act, entitled, "an act to amend the road law of Campbell county, and for other purposes," approved February 5, 1845, be and the same is hereby repealed.

Approved March 1, 1848.

1848.

CHAPTER 551.

AN ACT to divorce John Hathaway, of Franklin county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That John Hathaway be and he is hereby divorced from his wife, Sarah Ann Hathaway, and restored to all the rights and privileges of an unmarried man.

Approved March 1, 1848.

CHAPTER 553.

AN ACT for the benefit of Isham G. Hamilton, and for other purposes.

Time allowed
Clerk.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the further time of twelve months, from and after the passage of this act, be allowed to Isham G. Hamilton, Clerk of the Boone County Court, to issue fee bills for all fees due him as Clerk aforesaid, which have not been collected up to the first of January, 1848, and list and place them in the hands of the proper officer or officers, in any county in this Commonwealth, for collection; and the said officers, receiving said fee bills for collection, shall have power, at any time within said twelve months, to levy and distrain for the same, in the same manner as though said fee bills had been listed in the time prescribed by law: *Provided,* that said Hamilton shall be liable to all the penalties prescribed by law against Clerks for issuing illegal fee bills.

Duty of Court.

SEC. 2. *Be it further enacted,* That it shall be the duty of the Boone County Court, at their April or May term, 1848, to order the Clerk of said Court to make a general cross alphabet of all the deeds, mortgages and conveyances, in trust, of real and personal estate and powers of attorney recorded in his office, in which alphabet, each deed, or other instrument recorded, shall be entered by the surname, followed by the first name of each grantor and each grantee; and, in appropriate columns, opposite each entry, shall be stated the book and the page thereof in which the instrument is recorded.

Clerk to receive pay.

SEC. 3. That the Clerk of said Court shall, on the completion of said alphabet, receive a reasonable compensation for the making the same, which it shall be the duty of the said County Court to levy upon said county and pay to said Clerk; said alphabet shall be kept always for use in said office, and all deeds, mortgages and powers of attorney, recorded in said office, after the making of the said alphabet, shall have a like alphabet made for them in the same manner pointed out in the first section of this act.

Approved March 1, 1848.

CHAPTER 554.

1848.

AN ACT for the benefit of Thomas Gardner, of Bourbon county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Bourbon County Court may annually, at any one of its regular terms, set apart any sum, not exceeding fifty dollars, to be placed in the hands of a committee, for the annual support and maintenance of Thomas Gardner, the same to be paid out of the county levy.

Approved March 1, 1848.

CHAPTER 555.

AN ACT for the benefit of Burnly D. Smith, of Todd county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Burnly D. Smith, of Todd county, be and he is hereby authorized to import into this State, without incurring any penalty for the same, a negro woman named Judia, aged about forty years, for his own use: *Provided,* he shall, within thirty days after such importation, file his affidavit in the Todd County Court Clerk's Office, that he did not import such slave for sale or merchandise.

Approved March 1, 1848.

CHAPTER 557.

AN ACT supplemental to an act to extend the jurisdiction of the Police Judge of the town of Hopkinsville, approved February 18, 1848.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the powers and jurisdiction of the Police Judge of Hopkinsville shall be the same, within said town and county of Christian, as the powers and jurisdiction conferred on the Police Judge of Shelbyville for said town and county of Shelby, by the provisions of an act, entitled, an act to incorporate the town of Shelbyville, and for other purposes, approved February 21, 1846: *Provided,* that no process, in any cause in common law or in chancery, which may be issued from the office, or by authority of said Judge, and executed on any defendant or defendants residing beyond the limits of Hopkinsville, shall authorize said cause to be tried by said Police Judge, if the defendant or defendants object thereto: *Provided, further,* that when such objection be made by any defendant or defendants, then the warrant or process in such cause or causes shall be returned, by the officer executing the same, before a Justice of the Peace for the district in which such defendant or defendants reside; and such Justice of the Peace shall have power and authority to try and decide said cause or causes, and to carry into effect his decision and judgment, in the same

Such powers allowed as Police Judge of Shelbyville.

Provided.

Provided further.

1848.

May try war-
rants issued by
Justices.

manner and to the same effect as if he or some other Justice of the Peace had issued said warrant or process.

SEC. 2. The Police Judge of Hopkinsville shall have power and jurisdiction to try and decide all causes on warrants issued by Justices of the Peace in Christian county, and returned before him by the consent or request of the defendant or defendants.

Approved March 1, 1848.

CHAPTER 558.

AN ACT to establish additional Election Precincts in Pendleton and Harlan counties.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That there shall be established, in the county of Pendleton, an additional election precinct, at the house of Francis McKenny, in the town of Salem; and the County Court of said county shall appoint the necessary officers to conduct the voting at said precinct, who shall be governed by the general laws upon the subject of elections.

SEC. 2. That an additional election precinct shall be established at the house of James G. Green, near the mouth of Wallin's creek, in Harlan county.

Approved March 1, 1848.

CHAPTER 559.

AN ACT to amend the charter of the town of Newport.

WHEREAS, by an act of the General Assembly of the Commonwealth of Kentucky, passed in 1795, the town of Newport was established, and the title to one hundred and eighty acres of land, as then laid off, as appears by the plat of John Roberts, on file in the Campbell County Court Clerk's office, on which plat it appears that a small tract of ground was set apart for an esplanade, or common, for the use of said town, binding and bounded on one side by the Ohio river: and whereas, the washing of the waters of said river, by freshets, from time to time, made a gradual and considerable encroachment, by removing the earth of the said esplanade, or common, and washed nearly the whole away, and is still encroaching on the street which divided said esplanade from the houses and lots of the town fronting on the river; for the purpose, therefore, of preventing the encroaching waters of said river, and enabling the corporation and citizens of said town of Newport to preserve the same, and prevent injury and destruction to private property,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the corporation and citizens of the town of Newport shall have power and authority to extend the cross streets through what was the esplanade, or common, which lie between the first street in said town, and the Ohio river; and said corporation and citizens shall have power and authority to grade and pave said streets to the river, at low water mark, and to improve, grade and pave the ground along the river bank in front of said town and street, for the purpose of preserving the banks and preventing further encroachments of the water upon said front street, and to preserve the property of the citizens of said town, on said street, and fronting said esplanade, and for the further purpose of making wharfs or landings for boats, rafts, or any water craft whatever, in which merchandise, produce or lumber of any kind may be carried; and may charge such wharfage as the corporation shall deem reasonable: *Provided,* the legal or equitable rights of any person to said esplanade, or common, shall not, in any wise, be effected by this act.

1848.

Corporation may extend the cross streets, &c

May grade & pave the same.

May make wharfs, &c.

Proviso.

Approved March 1, 1848.

CHAPTER 560.

AN ACT to amend the Road Law of Jefferson county.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the Jefferson County Court shall, at their next regular levy term, in the year 1848, and every year thereafter, levy and collect a poll tax, not exceeding one dollar and fifty cents upon each and every white and black road tytheable in said county, outside the boundary of the City of Louisville.

City C't may levy a tax, and when.

SEC. 2. That said County Court shall also have power to levy and collect, annually, an *ad valorem* tax upon the property in said county, outside of the City of Louisville, now subject to taxation by the revenue laws of this State, not exceeding two cents upon each one hundred dollars worth of taxable property, all of which tax shall be appropriated for the improvement of the public roads, and the building of bridges, &c., in said county; and said *ad valorem* tax shall, in each and every year, be paid in money.

May levy and collect ad valorem tax, &c.

Tax, how to be appropriated.

SEC. 3. That the Commissioners, when taking in the taxable property in said county, shall open a column in their book, and set down the exact number of road tytheables each person may own, both black and white, in each road district separately, designating the number of white and black tythes separately.

Com'rs of tax to take number of tytheables.

SEC. 4. That it shall be the duty of the Sheriff of said county, annually to collect the said road tax, by distress or otherwise, and account to the County Court as in collecting

Sheriff's duty to collect road tax; his compensation.

1848.

County to be
districted.

the county levy, and at the same time, and shall be allowed the same compensation for collecting the same.

SEC. 5. That the said County Court shall district the county into at least ten, or as many road districts as may be deemed necessary, giving a specific boundary to each, and appoint a Supervisor to each district, and may alter said districts from time to time.

Supervisor to
employ hands.

SEC. 6. That it shall be the duty of each Supervisor in the district assigned him, to employ as many hands, wagons and ploughs, as may be deemed necessary to assist him in the improvement of the various roads in his district.

C'ty C't to ap-
portion road tax

SEC. 7. That the County Court, whenever they have made their annual settlement with the Sheriff, and ascertained the road tax collected by him, shall proceed to apportion the same to the various road districts in said county, paying due regard to the amount of travel or use upon each road: *Provided*, the money collected in each district shall be laid out in said district.

Proviso.

Tytheable may
work out tax.

SEC. 8. That each and every road tytheable shall have the privilege of working out his or her road tax in the district to which he or she may belong, at the rate of 75 cents per day, of every ten hours, he may be so employed.

Persons wish-
ing to work out
tax to report
names.

SEC. 9. That it shall be the duty of all persons, who wish to work out their road tax, to report their names, and the number of road tytheables they have, (that they may wish to send,) to the Supervisor of the district in which they may reside, by the first day of May, in each year.

Supervisors to
work roads at
any time.

SEC. 10. That it shall be the duty of the said Supervisors to work the various roads in their several districts at any time, and if they work a less number of hands than five, to work themselves.

Supervisors to
give notice to
persons work-
ing out tax.

SEC. 11. That it shall be the duty of said Supervisors to give those persons who wish to work out their road tax, (save the *ad valorem* tax,) at least two days notice of the time and place of working, and what kind of tools they are to come furnished with, if they have them; and each Supervisor shall give, to each person so working out his road tax, a written certificate of the amount he has so worked out; which certificate the holder thereof shall hand to the Sheriff, by the first day of October in each year, and said Sheriff shall receive said certificate as so much road tax actually paid by said person.

Certificate to
be given persons
working out taxSupervisors
may take tim-
ber, earth, &c.

SEC. 12. That when any timber, earth or stone shall be wanted, the Supervisor shall take it from the lands nearest where wanted, first having the same valued by two disinterested house-keepers of the vicinage, after they be sworn by some Justice of the Peace; and said valuation shall be in writing, and paid by the Supervisor, and be a voucher in his settlement with the County Court.

SEC. 13. That it shall be the further duty of the Supervisors to equalize the money that may come to their hands

upon the various public roads in their districts, having due regard to the travel and use made of them.

SEC. 14. That, to enable the Supervisor not to be at any loss in making the appropriations in his district, or as to how he shall work a road or roads, the Jefferson County Court shall appoint, in each district, a board of control, consisting of two discreet persons in each road district, who, in case of difficulty, shall be advised with by the said Supervisors, and whose joint counsel shall be followed.

SEC. 15. That it shall be the duty of all the Supervisors to settle once, annually, or oftener, with the County Court, or some person by them appointed for that purpose, of all the moneys that may have come to their hands for the improvement of the various public roads in their districts; and said settlement shall be made upon oath.

SEC. 16. That the several Supervisors shall be allowed, each, the sum of one dollar and fifty cents per day, for the time they may have been employed upon the roads in their several districts, and shall hold their office for the term of one year, subject however to removal by the County Court, at any time, for malfeasance in office.

SEC. 17. That the city of Louisville, to her outer boundary, and the other incorporated towns in Jefferson county, that have municipal regulations of their own for working the roads through such city or towns, be exempt from the provisions of this act.

SEC. 18. That the Jefferson County Court shall require bond and security of each Supervisor, appointed under this act, in double the amount that is likely to come to his hands, conditioned for the faithful performance of the duties by this act required.

SEC. 19. That nothing in this act shall be so construed as to change the present mode of cutting out a new road or changing one already made.

SEC. 20. That the present mode of working public roads, in Jefferson county, be continued until the first annual road tax shall be levied and collected, (which first annual road tax shall be paid in money,) and no longer: *Provided*, that whenever a majority of the white road tythables in any district, laid off under this act, shall petition the County Court to be released from the provisions of this act, it shall be the duty of the County Court to release all persons, in such district, from the provisions of the same.

SEC. 21. No member of the County Court of Jefferson county shall be appointed Supervisor of any road district; and the Supervisors appointed under this act shall be liable to penal prosecutions as Surveyors of roads are.

Approved March 1, 1848.

1848.

City C't to appoint a Board of Control in each district.

Supervisors to settle once a year with County Courts.

Compensation to Supervisors.

City and other towns exempt from working roads.

Supervisors to give bond, &c.

New roads.

Present mode, when continued.

Proviso.

No members City C'ts to be appointed Supervisors.

CHAPTER 561.

1848.

AN ACT to incorporate a Turnpike Road from Versailles to Nicholasville.

Name of Company. SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That a Company shall be, and the same is hereby formed, for the purpose of making a Turnpike Road from Versailles to Nicholasville, under the name and style of the Versailles and Nicholasville Turnpike Road Company.

Capital stock. SEC. 2. *Be it further enacted,* That the capital stock of said Company shall be fifty thousand dollars, to be divided into shares of one hundred dollars each; which capital stock may be increased by additional subscriptions, in manner and form as the President and Directors may think proper, if such enlargement shall be found necessary to fulfil the intent of this act.

Books for subscription stock to be opened in May. Com'rs to receive subscriptions appointed. SEC. 3. *Be it further enacted,* That books shall be opened for the subscription of stock in said Company, on the first Monday in May next, in the town of Versailles, under the direction of Richard B. Bohannon, J. D. Helm, James D. Brown, Joseph H. Woolfolk, John Garrett and John Singleton; in the town of Nicholasville, under the direction of Tucker Woodson, R. C. Graves, Richard Ferguson, Moreau Brown, Hervey Huggins and George S. Shanklin, or some one or more of them at each place, who are hereby appointed Commissioners. The said Commissioners shall procure a book or books, to be opened at each place, and the subscribers to the stock of said Company shall enter into the following obligation, in said book or books, viz: "We, whose names are hereunto subscribed, do hereby bind ourselves to pay to the President, Directors and Company of the Versailles and Nicholasville Turnpike Road Company, the sum of one hundred dollars for each and every share of stock in said Company, set opposite our names, in such manner and proportions, and at such times as shall be required by said President and Directors of said Company." The said Commissioners shall give notice, in one or more newspapers published in the city of Lexington and in Frankfort, and by advertisements set up at one or more of the most public places in the towns of Versailles and Nicholasville, and in Liberty, of the times and places of opening the books for the subscription of stock in said Company; the Commissioners attending, shall permit all persons of lawful age, companies and bodies corporate and politic, the County Courts of Woodford and Jessamine, or Trustees of any town, to subscribe, in said book or books, in their own name or names, or in the name of any other person who shall duly authorize the same, for any number of shares in said stock.

Obligation of subscribers.

Com'rs to give notice of time of opening books.

Corporations and City Courts may subscribe for stock.

SEC. 4. *Be it further enacted,* That when one hundred and fifty shares of stock have been subscribed, the Com-

missioners aforesaid, or any one or more of them, shall call a meeting of the subscribers, to be held at the Court House in the town of Versailles, on some day to be fixed by them, of which meeting, and the time of holding the same, they shall give at least thirty days notice, by advertising the same, in some one or more newspapers published in Lexington and in Frankfort, and by advertisements set up in some public place in Versailles, Nicholasville and Liberty, for the purpose of electing a President and six Directors, to serve until others are elected and qualified as hereinafter directed: *Provided*, that all future elections shall be on the first Wednesday in April, in every successive year, at such place as the President and Directors, for the time being, shall designate.

Sec. 5. *Be it further enacted*, That the Company formed and organized as aforesaid, for the purpose of making a Turnpike Road from the town of Versailles, to Nicholasville, shall be, and they are hereby created a body politic and corporate, in deed and in law, forever, by the name and style of the "President and Directors of the Versailles and Nicholasville Turnpike Road Company;" and, under the said style and name, shall have perpetual succession, and all the privileges, immunities and franchises of a body corporate and politic; and, as such, shall be capable of contracting and being contracted with, of purchasing, taking and holding, to them and their successors and assigns, and of selling and conveying, in fee simple, all such lands and tenements, and estate, real, personal and mixed, as shall be necessary to them in the prosecution of their work; and to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, before any and all judicial tribunals whatever; and, also, to make, have and use, a common seal, and the same to break, alter, or renew; and to do each and every act which a body corporate and politic, as such, may lawfully do.

Sec. 6. *Be it further enacted*, That the President and Directors aforesaid, shall be governed, in the location and construction of the aforesaid road, and in all other respects in regard to said road, by the provisions of an act, approved February 14, 1835, entitled, "an act to amend and reduce into one the several acts incorporating a Company to construct a Turnpike Road from Frankfort to Lexington, by way of Versailles," which do not conflict with any part of this act; and they are hereby vested with all the power, authority, rights and privileges, tolls and emoluments, that are granted to the President and Managers of the Frankfort, Lexington and Versailles Turnpike Road Company, by the above recited act, and under like limitations and restrictions.

1848.

Com'rs shall call meeting of stockholders in Versailles.

President and Directors, how and when elected.

Company made body corporate.

Name & style of corporation.

May hold real estate.

Directors to locate road, and how to proceed.

Approved March 1, 1848.

CHAPTER 563.

1848.

AN ACT for the benefit of the Sheriff, Jailer, and certain Guards in the county of Garrard.

WHEREAS, Crim Smith stood indicted, for larceny, in the county of Harris, in the State of Georgia, and fled to this State; and the Governor of Georgia made a requisition upon the Governor of this State, requesting that he, the said Smith, be delivered to the agent appointed by the said Governor of Georgia: and whereas, the Governor, in compliance with the said requisition, issued his warrant, or order, for the apprehension of said Smith, and his commitment and delivery to the said agent, whereby he was arrested and committed to the jail of Garrard county, on the 3d day of December, 1846, where he remained in custody until the 2d day of March, 1847; and the agent appointed by the Governor of Georgia, not having appeared to receive said Smith, he was then discharged: and whereas, it was necessary that the said Smith should be guarded, the said jail being adjudged insufficient to secure him during the time of his confinement: and whereas, the State of Georgia has failed to pay the fees for the apprehension, commitment, and safe-keeping, of the said Smith. Therefore,

Auditor required to issue warrant.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Second Auditor be, and he is hereby required, to issue his warrants to the Treasurer, in favor of the Sheriff, Jailer and Guards, who arrested, and kept, and guarded the said Smith, for the same amounts now allowed by law for similar services, as if the said Smith had committed the offence charged, in this State, upon their filing with the said Auditor a certificate thereof, by the Circuit Court for Garrard county; and the Treasurer is hereby required to pay the same out of any money not otherwise appropriated.

Approved March 1, 1848.

CHAPTER 564.

AN ACT to incorporate a Company to construct a Turnpike Road from Cynthiana, in Harrison county, to Newtown, in Scott county, and for other purposes.

Name & style of company.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That a Company shall be, and is hereby incorporated as a body politic and corporate, by the name and style of the Cynthiana and Newtown Turnpike Road Company, for the purpose of constructing a Turnpike Road from Cynthiana, in Harrison county, through Leesburgh to Newtown, in Scott county.

SEC. 2. That the capital stock of said Company shall be Capital stock. forty thousand dollars, to be divided into shares of fifty

dollars each. Subscriptions, towards constituting stock in said Company, shall be opened at Cynthiana, Broadwell, Leesburgh and Newtown, on or before the first day of September next, and shall be continued open as long as may be deemed proper by the Commissioners hereinafter named, or until the whole capital stock is subscribed.

1848.

Books to be opened for subscriptions in September.

SEC. 3. That the following named persons shall be and are hereby appointed Commissioners: At Cynthiana, C. Walton, W. A. Withers, T. B. Woodyard and D. Woodruff: At Broadwell, G. Lail, P. Kirtley, J. S. Finley and W. G. Hedges: At Leesburgh, J. Wasson, J. Hearne and N. E. Offutt: and, at Newtown, G. K. Smith, J. Griffith and H. Parks.

Com'rs appointed to receive subscriptions of stock.

SEC. 4. That each class of Commissioners above named, shall procure one or more books, and the subscribers therein shall sign an obligation of the following tenor, to wit: "We, whose names are hereunto subscribed, do respectively promise to pay to the Cynthiana and Newtown Turnpike Road Company, the sum of fifty dollars, for each share of stock set opposite our respective names, in such proportions and at such times as shall be determined on by said Corporation."

Obligation of subscribers.

SEC. 5. That, so soon as twenty thousand dollars of said capital stock shall have been subscribed, it shall be the duty of said Commissioners, or such of them as may act, to give notice of a meeting of the stockholders of said Company, in the town of Leesburgh, for the purpose of organizing said Company, by choosing its officers; the notice to be given fifteen days previous to the meeting, by advertisement in the Observer & Reporter, at the Court-house door in Cynthiana, and at the tavern doors in Broadwell, Leesburgh and Newtown; and that the votes, in choosing the officers of said Company, shall be regulated by the number of shares, allowing one vote for each share.

Com'rs to call a meeting of the stockholders in Leesburgh.

Notice of the meeting to be given.

Votes regulated by number of shares.

SEC. 6. *Be it further enacted*, That the whole width of said road shall be forty feet, and the artificial part thereof, (covered with stone,) sixteen feet.

Width of road.

SEC. 7. That it shall be lawful for the Trustees of any of the towns, or any other Corporation created by law, or the County Courts of each of the counties through which said road may pass, by their agent or agents, for such purpose appointed, to subscribe for, and hold, shares in the capital stock of said Company, in the same manner that natural persons may; and to have and exercise the same right of representing their stock, in said Company, by the votes of their respective agents, and enjoy all other rights and privileges that any stockholder may possess.

Who can subscribe for stock.

SEC. 8. That, so soon as said Company shall be organized, the President, Directors and other officers shall possess all the powers, authority, rights and privileges, and shall and may do and perform the acts and things necessary for

Corporate powers.

1848.

Tolls to be charged & powers the same as other companies referred to in this section.

carrying on and completing said Turnpike Road, as well as laying out and locating the same; and shall be subject to all the duties, qualifications, restrictions, penalties, fines and forfeitures, if any; and shall be entitled to like tolls and profits as are given and granted to the Cynthiana and Millersburg Turnpike Road Company, approved February 23d, 1847; and all the provisions of said act, and of the "act incorporating the Maysville and Lexington Turnpike Road Company," approved January 22d, 1827, and made part of said first mentioned act, and hereby enacted as a part hereof, except so far as provided for in the preceding part of this act, or may come in collision with the provisions of the same.

Grade of road. SEC. 9. That the elevation of the grade of said road shall be fixed and regulated by the said Corporation.

Number of gates.

SEC. 10. That there shall be but three gates erected on said road, and neither of them shall be located within one mile of the towns of Cynthiana, Leesburgh or Newtown.

Amendment to the charter of Cynthiana and Millersburg road Books to be kept open.

SEC. 11. *Be it further enacted*, That the charter of the Cynthiana and Millersburg Turnpike Road Company shall be amended, so as to allow the Commissioners, therein named, to keep open their books for the subscription of stock in said Company, at their discretion; and that the President and Managers of said Company may so locate said road as to make it intersect the Maysville and Lexington Turnpike Road at any convenient point between Paris and the Irish Station.

Approved March 1, 1848.

CHAPTER 566.

AN ACT to amend "an act to incorporate the Georgetown and Paris Turnpike Road Company," approved March 13, 1847. *March 147*

C'ty C'ts may subscribe stock.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the County Courts of Scott and Bourbon counties may each, a majority of the members of said Courts being present and acting, subscribe for stock for the construction of the road from Georgetown to Paris, any sum not exceeding ten thousand dollars each; the same to be expended on that part of the road within the county making the subscription; and either Court, at the time it shall make an order for the subscription of stock, is hereby authorized and empowered to make a levy of an *ad valorem* tax, upon the real estate in its county, not exceeding six cents on each one hundred dollars worth of such estate, to be appropriated in payment of the stock subscribed.

SEC. 2. That the President and Managers of the road, for Scott county, may receive, from the Board of Internal Improvement for the county of Scott, a transfer, and said

Board is hereby empowered to make such transfer, of as much of the road already constructed by said Board as lies east of the town of Georgetown, upon such terms and conditions as may be agreed upon by them; the same to be made in writing, and to be recorded in the Clerk's office of the County Court of Scott, the parties to the same making due acknowledgment thereof before the Clerk of said Court.

SEC. 3. That said President and Managers, in erecting gates on said road, shall erect no gate nearer than one mile from the Court house of Scott county.

SEC. 4. That all dividends accruing from and after the passage of this act, declared by the Board of Internal Improvement for the counties of Scott and Franklin, on the turnpike road from Frankfort to Georgetown, shall be used by the President and Managers of the road for Scott and Bourbon counties, for the construction of the said road from Georgetown to Paris, and shall be thus applied till said road is completed: *Provided*, that the assent of a majority of individual and corporate stockholders shall be first had; and, for this purpose, a meeting of said stockholders is hereby directed to be called, in the town of Georgetown, on or before the first of July next, at which meeting a poll shall be opened, under the supervision of two Judges and a Clerk, to be appointed by said meeting: and, in taking the votes, each stockholder shall be entitled to one vote for each share owned by him; and the shareholders may vote by proxy, in writing. Due notice of the time and place of holding said meeting to be given by advertisement in the Georgetown Herald and Frankfort Commonwealth; the dividend thus acquired shall be converted into stock in the said Georgetown and Paris Turnpike Company, to be held and owned by the Boards of Internal Improvement for Franklin and Scott counties.

Approved March 1, 1848.

CHAPTER 567.

AN ACT to incorporate the Flemingsburg and Elizaville Turnpike Road Company.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That William H. Darnall, John Wells, William Berry, James Stewart, John Rodgers, James Hudson and Jonathan Hedgecock, and their successors, with the stockholders, be and they are hereby created a body politic and corporate, by the name and style of "The Flemingsburg and Elizaville Turnpike Road Company," for the purpose of constructing a Turnpike Road, upon the McAdam's plan, from Flemingsburg to Elizaville.

SEC. 2. That the capital stock of said Company shall be fifteen thousand dollars, to be divided into shares of fifty

1848.

President of the Scott county road may receive transfer from Board Int. Improvement.

Gates, where to be erected.

Dividends, how used.

Proviso.

Corporators names.

Style, &c.

Capital stock.

1848.

Books, when
and where open-
ed.

Flemingsburg
and Mt. Carmel
charter applied.

Officers, of
whom to consist
and when to be
elected.

When road
may be com-
menced.

Who to open
books.

May file bill in
chancery, and
mode of pro-
ceeding.

dollars each ; and books, for the subscription of stock, may be opened at Flemingsburg and Elizaville on the first Monday in May next, or at such time thereafter as the Directors here named shall determine.

SEC. 3. That the provisions of an act passed at the present session, to incorporate the Flemingsburg and Mount Carmel Turnpike Road Company, shall constitute part of this act, so far as the same are applicable, except as herein otherwise provided.

SEC. 4. Said Company shall consist of a President, Treasurer and six Directors, to be elected after five thousand dollars of stock is subscribed, in the same manner, and under the same regulations as are provided for in the above recited act, and shall continue in office for one year after their election, and until their successors are duly elected.

SEC. 5. That when five thousand dollars are subscribed to the capital stock, and the officers of said Company are elected, the said officers may proceed to take the necessary steps for the completion of said road, in every respect, as is provided for by the above recited act, for the officers of the Flemingsburg and Mount Carmel Turnpike Road.

SEC. 6. That the Fleming County Court may subscribe for forty shares of stock, the Trustees of Flemingsburg fifteen shares, and the Trustees of Elizaville for ten shares of the capital stock in said road.

SEC. 7. That the persons named in the first section of this act, or such of them as may serve, may open books for the subscription of stock and do all other things necessary to carry this act into effect ; and shall continue in office until the Company is more fully organized by the election of officers.

Approved March 1, 1848.

CHAPTER 568.

AN ACT for the benefit of William Hackley and Clarissa, his wife, and her children.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be lawful for William Hackley and Clarissa, his wife, to file their bill in chancery, in the Nicholas Circuit Court, in which they shall state that Samuel Arnett conveyed to Thomas A. Arnett, in trust for the use and benefit of said Clarissa Hackley, (formerly Clarissa Arnett,) and her heirs, or children, as the fact may be, a tract of land lying in Nicholas county, containing ninety acres, more or less ; and if there has been a change of the Trustee since, by the Nicholas Circuit Court, state the fact, and who was appointed. They shall also state the quality of said land, and the kind and value of the improvements

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thereon, and the advantages that would result to her and her children; and shall make all her children, and the present Trustee, (provided he is not her husband,) parties to said bill, who shall be legally brought before the court, and a guardian, *ad litem*, shall be appointed for the infants, (if any,) who shall answer for them. A certified copy of the deed of trust from Samuel Arnett, and a copy of the order appointing a Trustee in the room of said Thomas A. Arnett, (if there be such order and appointment,) shall be filed. The bill shall be verified by the oath of said William Hackley and Clarissa, his wife; and if the court, from the exhibits filed, and proof by depositions, and the return of the report of the Commissioner appointed by the court to value said tract of land, shall be of opinion that a sale of said land would be to the present and future interest and advantage of the said Clarissa Hackley and all her children, he may make a decree directing said sale to be made, under such restrictions as he may, in his discretion think best, and the proceeds vested in another tract of land; and the title to the tract of land to be purchased with the proceeds of the tract herein authorized to be sold, to be vested in such Trustee as the court may appoint, for the use and benefit of said Clarissa Hackley and her children. The court shall require, by the decree, that the title to the tract of land that may be purchased with the proceeds of the sale of the tract of land herein authorized to be sold, shall be made to the Trustee, in trust for the use and benefit of said Clarissa Hackley and her children, before they shall be divested of the title and interest in the tract of land conveyed by said Samuel Arnett to said Thomas A. Arnett, in trust for their use and benefit. The court shall have power to make all such orders and decrees as may be necessary to carry out the objects of this act.

Approved March 1, 1848.

CHAPTER 569.

AN ACT in reference to the Vacant and Seminary Lands and Common Schools in Wayne county.

WHEREAS, some complaints have been urged against an act passed and approved February 5th, 1848, in reference to the Vacant and Seminary Lands and Common Schools of Wayne county; to silence which, it is deemed proper to amend the same, so as to obviate all objections to it. Therefore,

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the Common School Commissioners of said county shall, in addition to the annual report of the sales of said lands, which they are required, by the said recited act, to make to the Superintendent of

Duty of school
Commissioners.

1848.

Public Instruction, also make an annual report, upon oath, to the County Court of said county, giving a detailed statement of the quantity of lands sold, to whom sold, and the amount of the sales; and shall also, when required by the said court, execute bond, with good security in an adequate penalty, payable to the Justices of said court, and their successors, for the use of said Common Schools, with condition to discharge faithfully the duties imposed upon them by this act, and the act to which this is an amendment; and shall, also, take an oath, before said court, that they will faithfully and impartially discharge the duties imposed upon them by this act and the said recited act.

Power Wayne
County Court.

Sec. 2. *Be it further enacted*, That the County Court of Wayne, a majority of all the Justices concurring, shall have power to regulate and fix, from time to time, the price at which the vacant lands belonging to said county shall be sold.

Portion of act
repealed.

Sec. 3. *Be it further enacted*, That so much of the said recited act as empowers the Superintendent of Public Instruction to settle and adjust, in case of controversy, the amount of compensation to be received by the Commissioners aforesaid, or their agent, for their trouble and expense in selling the Seminary lands aforesaid; in investigating and establishing the title thereto, or otherwise, in reference to the same, shall be and the same is hereby repealed.

Approved March 1, 1848.

CHAPTER 570.

AN ACT for the benefit of the widow and heirs of H. B. Webb, deceased.

WHEREAS, it is represented, that H. B. Webb, of Ballard county, died intestate, owning two tracts of land and but small personal estate; and that he owed debts to an amount which, if satisfied out of his personal estate, according to law, would be to the detriment of his infant children, depriving them of the means of support, and leaving them unprofitable land: and whereas, it is represented, that those consequences may be prevented by sale of one of the tracts of land of said infants. Therefore,

Proceedings
authorized on
petition.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That, upon a bill or petition filed, in the Ballard Circuit Court, by William Webb, the administrator, or Martha Webb, the administratrix, and Widow of H. B. Webb, deceased, setting forth that it will be for the benefit of the infant heirs of the said Webb to decree a sale of one of the tracts of land of said infants, and supported by the affidavit of the petitioner; thereupon, the Chancellor, being satisfied from the bill or petition that such sale will be for the benefit of the infants, shall decree a sale of one of the

tracts of land, and order the proceeds of such sale to be applied to the extinguishment of the debts of the said H. B. Webb, deceased; and if there should be any surplus, after the payments of the debts, that it be paid over to the guardians of said infants: *Provided*, they shall execute bonds, with approved security, conditioned to perform the duties of guardians, as heretofore prescribed by law. The Chancellor shall appoint a Commissioner to make the sale and execute a conveyance to the purchaser, which shall pass the title of the heirs as effectually as if they were of full age and had conveyed the land themselves. The Chancellor may make such other orders as may be necessary to carry into effect this decree.

1848..

Approved March 1, 1848.

CHAPTER 571.

AN ACT for the benefit of Spottswood Wills.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the President of the Board of Internal Improvement examine into the claims of Spottswood Wills, as Treasurer of the Green River Road, take any testimony he may deem necessary to a full understanding of the claims of said Wills, and report the same to the Legislature, together with his opinion thereon, within the first week of the next session of the General Assembly.

Approved March 1, 1848.

CHAPTER 572.

AN ACT authorizing the appointment of a Police Judge for the town of Richmond.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That a Police Judge shall be appointed by the Governor, by and with the advice and consent of the Senate, for the town of Richmond, who shall possess and exercise jurisdiction, power and authority, within the limits of said town, and in Madison county, similar to that now conferred by law upon the Police Judge of the town of Danville, subject, in all respects, to the same limitations and restrictions.

Approved March 1, 1848.

CHAPTER 573.

AN ACT to amend an act, entitled, an act to incorporate the Shepherdsville Iron Manufacturing Company, approved February 9, 1847.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Shepherdsville Iron Manufacturing

1848.

Company, incorporated by an act approved February 9th, 1847, shall not be subject to, or embraced by, any of the provisions of the act, entitled, "an act to establish a general law concerning Manufacturing Companies," approved February 15th, 1841, but shall alone be governed by, and subject to, its own charter.

Approved March 1, 1848.

CHAPTER 574.

AN ACT for the benefit of James Pratt, of Union county.

WHEREAS, it is represented to the present General Assembly, that a small tract of land, in Virginia, has descended to the wife of James Pratt, of Union county; and that his said wife has become a cripple for life, and that said Pratt and wife are desirous to exchange said land for two slaves. Therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall and may be lawful for James Pratt to vest the proceeds of said land in two slaves, and import them to this State, without incurring any penalty therefor: *Provided*, he shall, within sixty days after such importation, make oath, before some Justice of the Peace for Union county, that said slaves have been imported into this State for his own use, and not for sale or merchandise: *And provided further*, that he shall not be permitted to sell said slaves, to remain in this State, within three years after they are imported.

Approved March 1, 1848.

CHAPTER 575.

AN ACT for the benefit of the Louisville and Elizabethtown Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Louisville and Elizabethtown Turnpike Road Company be, and is hereby authorized, to issue its bonds, payable ten years after date, and redeemable at any time after three years, at the will of said Company, bearing interest at the rate of six per centum, payable annually, to the amount of thirty thousand dollars, in sums of not less than fifty dollars; and the proceeds of said bonds shall be exclusively applied to the erection of a bridge across Salt river, and embankments connected therewith, including the purchase and condemnation of the site thereof.

Approved March 1, 1848.

CHAPTER 576.

AN ACT for the benefit of John A. Moore.

1848.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Josiah Jopling, James C. Jones and Absalom Waters, be, and they are hereby appointed Commissioners, whose duty it shall be to ascertain, by personal examination and proof, if necessary, the actual damages which have resulted to the farm and lands of John A. Moore, of Rockcastle county, in consequence of a change in the State Road, which makes the said road run through his lands and farm; and that they report the same to the Rockcastle County Court, which shall be received by the Court, and entered of record; and it shall be the duty of said Court to enter up an order, requiring the gate-keeper, in Rockcastle county, on the Crab Orchard and Cumberland Gap Turnpike Road, to pay the same out of the funds of said gate, for which said gate-keeper shall have credit in his settlement with the Court; and said Moore, by an appropriate deed of release, to be approved by said Court, shall relinquish to the Commonwealth the right of way where said road now runs, forever.

Com'rs appointed to ascertain damages.

Report to be recorded, damages to be paid, and by whom.

To relinquish title to Com'rs.

Approved March 1, 1848.

CHAPTER 577.

AN ACT to establish a State Road from Morganfield, through Smithland, to Paducah.

SEC. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Thomas Givens, Samuel Casey, John Dyer and James T. Purson, (or any two of them,) of Union county; Gen. Joseph Hughes, Isaac Wheeler, John Nunn and John D. Gregory, (or any two of them,) of Crittenden county; Joseph Ray, Sr., R. K. Foster, Robert S. Boyd and Washington Hodge, (or any two of them,) of Livingston county, be and they are hereby appointed Commissioners, any two of whom from each county, being first sworn, shall proceed to Morganfield, in Union county, and view a way from thence to the most suitable place to cross Trade Water River, and from thence through the towns of Marion, in Crittenden county, and of Smithland, in Livingston county, to Paducah, in McCracken county; and when they are satisfied as to the best route for a road, to and from the points before mentioned, that they cause the route selected by them to be so marked and identified that there will be no difficulty in pursuing and finding the same; and shall make a report, in writing, to the County Courts of Union, Crittenden, Livingston and McCracken, designating therein fully and explicitly, the route and ground over which said proposed road shall pass.

Com'rs to view road.

Route of road.

Report to be made to County Courts.

1848.

Established a
State road, and
Surveyors to be
appointed, and
their duty.

SEC. 2. That, upon the reception of the before mentioned report by the said County Courts, the route therein designated shall be, and the same is hereby established, a State Road; and it shall be the duty of the said County Courts to lay off said road into convenient precincts, and appoint a Surveyor, and allot hands to each, to clear and improve said road within the bounds of their respective counties, directing that said Surveyors shall cause said road to be cleared out at least thirty feet wide, and the stumps in the same, cut low and rounded at the top, the banks of creeks and branches graded; where it shall be necessary, the side-ling ground graded, and the marshy places causewayed, or thrown up and improved, and the creeks and branches, where it is necessary, bridged, so as to admit of a safe and convenient passage for all kinds of carriages.

Pay of Com-
missioners.

SEC. 3. That the Commissioners shall be paid two dollars per day each, for every day that they may be necessarily employed in the discharge of the duties assigned them, to be paid jointly by the counties of Union, Crittenden, Livingston and McCracken.

City C'ts not
to alter but to
allot hands to
keep in repair.

SEC. 4. That it shall not be lawful for the County Courts of the counties through which the said road shall pass, to alter or change said road after the same shall have been cleared out, but it shall be their duty, at all times thereafter, to appoint a sufficient number of hands to keep said road in repair; and the Surveyor and hands thereof shall be governed by the same rules, laws and regulations as are now, or may be in force in this Commonwealth, in relation to working and improving public roads.

Owners of
lands may have
writ of *ad quod
damnum*.

SEC. 5. That any person over whose land said road may pass, shall have the right to obtain, from the County Court of the county in which said land lies, a writ of *ad quod damnum*, under the provisions of the general road law, and the damages, assessed under such writ, shall be levied by the said County Court, as is directed by said road law.

To be approv-
ed by City C'ts.

SEC. 6. The road hereby contemplated shall not be established unless the said Courts, a majority of all the Justices being present, shall approve the same.

Approved March 1, 1848.

CHAPTER 578.

AN ACT for the extension of the Madison and Wilderness Turnpike Road.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the nett proceeds of the gate on the Madison and Wilderness Turnpike Road, be and the same is hereby appropriated and directed to be expended in the extension of the improvement on said road, beginning at Cox's Old Stand, and extending to Kingston; and William

L. Moore be, and he is hereby appointed a Commissioner, who, in conjunction with the present Commissioners, shall superintend said work, and direct the mode and manner of the expenditure. It shall also be the duty of the overseers of the road, hereby directed to be improved, to call out the hands to work within their respective districts, at least two days in the year, and to work under the direction of said Commissioners, as to place and manner of work.

1848..

Approved March 1, 1848.

CHAPTER 579.

AN ACT authorizing the construction of a Turnpike Road from the town of Oregon, on the Kentucky river, to the Louisville and Crab Orchard Road.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That a Company shall be formed, under the name, style and title, of the Oregon Turnpike Road Company, for the sole purpose of forming and maintaining an artificial road, on the McAdam's plan from the town of Oregon, on the Kentucky river, in the county of Mercer, to intersect the Frankfort and Crab Orchard Turnpike Road at a point hereafter to be determined upon by the Commissioners hereinafter mentioned.

Name & style,
and objects of
charter.

SEC. 2. *Be it further enacted*, That books, for the subscription of stock, in said road, shall be opened on the first Monday in April, in the year 1848, or so soon thereafter as the Commissioners hereinafter appointed may direct, at Harrodsburg, Salvisa, Oregon and Versailles, and to continue open as long as they may deem it expedient at each of the foregoing places. That the said Commissioners shall procure books, and the subscribers to the stock of said Company shall enter into the following obligation in said books, viz: "We, whose names are hereunto subscribed, do promise to pay to the President, Directors and Company of the Oregon Turnpike Road Company, the sum of ——— dollars for each and every share of stock in said Company, set opposite to our respective names, in such manner and proportion, and at such times as shall be required by the President and Directors of said Company, and agreeably to an act of the General Assembly of Kentucky incorporating said Company: Witness our hands this ——— day of ———, 184—. The said Commissioners, or some one or more of them, shall give notice, by printed advertisements, to be set up in Harrodsburg, Salvisa, Oregon and Versailles, of the time and place of opening the books for the subscription of stock in said road.

Books for sub-
scription stock
to be opened.

Obligation to
be signed by sub-
scribers.

Notice to be
given.

SEC. 3. *And be it further enacted*, That the capital stock of said Company shall be ten thousand dollars, to be divided into shares of twenty five dollars each.

Capital stock.

1848.

Comrs ap-
pointed.

SEC. 4. *And be it further enacted*, That Peter R. Dunn, John W. Davis, Jr., Caleb Adams, Edward Gill, Joseph B. Roach and John J. McAfee, be, and they are hereby appointed Commissioners to carry into effect the provisions of this act, so far as the same may apply to Commissioners.

Certain sec-
tions of charter
Carlisle and
Sharpsburg T.
Company adop-
ted.

SEC. 5. *And be it further enacted*, That the provisions of the 4th, 5th, 6th, 7th, 8th, 9th, 10th, 11th, 12th, 13th, 14th, 15th, 16th, 17th, 18th, 19th, 20th, 21st, 22d, 23d, 24th, 25th, 26th, 27th, 28th, 29th and 30th sections of an act, entitled, an act to incorporate the Carlisle and Sharpsburg Turnpike Company, approved Feb. 26, 1847, be and the same are hereby enacted, adopted, and made parts hereof, to apply fully in the construction and establishment of the said road from Oregon, to intersect the said Frankfort and Crab Orchard Turnpike road, so far as the same is applicable.

When to be
put under con-
tract.

SEC. 6. *And be it further enacted*, That whenever the sum of \$4,000 shall be subscribed as stock in said road, the Directors may put the same under contract and commence operations.

Subscriptions
in work may be
allowed.

SEC. 7. *And be it further enacted*, That the President and Directors of said Company may, at their discretion, allow subscriptions to said road, payable in work, at fair prices.

Approved March 1, 1848.

CHAPTER 580.

AN ACT to divorce Helen Plasters.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the marriage contract heretofore existing between Helen Plasters and John M. Plasters, be and the same is hereby dissolved, so far as respects the said Helen, and she is restored to all the rights and privileges of an unmarried woman.

Approved March 1, 1848.

CHAPTER 581.

AN ACT for the benefit of the Sheriff of Ballard county.

WHEREAS, the present term of office of the Sheriff of Ballard county expires on the fourth Monday in May next, and as he has executed bond for the county levy and revenue taxes for the year 1848, on the 4th Monday in January, 1848, as he was required to do by law. Therefore,

To collect tax-
es 1848, and fees
etc., due for
1844-45-46-47.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be lawful for Matthew J. Worsters, the present Sheriff of Ballard county, or any of his deputies, to levy or distress for the collection of said taxes for 1848, as though he were acting as Sheriff, or any of his Deputies to levy or distress for any fee bills that he may

have unsettled, and taxes remaining unpaid for the years 1844, '5, '6 and '7; and that he be allowed the term of two years, from the passage of this act, to wind up any business in his hands as Sheriff of said county: *Provided*, said Sheriff shall be required to pay into the Treasury, on or before the 15th day of January next, the revenue tax due from said county for the year 1848.

1848.

Approved March 1, 1849.

CHAPTER 582.

AN ACT to incorporate the Hickman Manufacturing Company under the general law.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That R. K. Williams, H. Atwood, Jno. D. Aydelotte, J. B. Hubbard, H. C. Catlett, A. M. Beadles, B. F. Wilkerson and William Kennedy, and such other persons as may become associated with them, their successors and assigns, be and they are hereby created a body corporate, by the name of the Hickman Manufacturing Company, for the purpose of manufacturing corn meal and flour, in the town of Hickman, or Fulton county; and, for this purpose, they shall have all the powers and privileges, and shall be subject to all the duties and requirements, contained and provided respecting such corporations in and by an act, entitled, an act to establish a general law concerning Manufacturing Corporations; said corporation may hold real estate within said county, not exceeding twenty thousand dollars, and their capital stock shall not exceed fifty thousand dollars.

Corporators
names.Corporate pow-
ers.General law
adopted.

Approved March 1, 1848.

CHAPTER 583.

AN ACT to incorporate the Ealeanbanda Society of the Kentucky Military Institute.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That R. T. Holloway, J. Scofield, T. O. Anderson, W. O. Smith and D. C. Woods, and their associates, be and they are hereby created a body politic and corporate, by the name and style of the "Ealeanbanda Society of the Kentucky Military Institute;" and, by that name and style, may have and use a common seal, with power to alter and change the same at pleasure; and may contract and be contracted with, sue and be sued, plead and be impleaded, before any court of judicature within this Commonwealth; and shall also have power to take and hold, by gift, grant or devise, any estate whatever, real or personal, not exceeding the value of five thousand dollars,

Corporators
names, and cor-
porate powers.

1848.

and to sell, exchange, or convey the same at pleasure, for the use of said Society.

President, &c.,
to be elected.

May make by-
laws.

May appoint
subordinate off-
icers.

Property vest-
ed in.

SEC. 2. That the members of the Ealeanbanda Society of the Kentucky Military Institute may elect, on the third Monday in March next, and on the same day in every year thereafter, a President, Vice President, Secretary and Treasurer of said Society; who, upon their election, shall enter upon the discharge of such duties as shall be prescribed by the members of said Society. The President, Vice President, Secretary and Treasurer, for the time being, and their successors, shall take and hold, the estate, goods and fund, of the Society; and, in law, shall be considered the corporators, and in the corporate name may sue and be sued; and in all suits against the corporation, service of process upon said President shall be considered good. That the members of said Society shall also have power and authority to ordain and establish such by-laws, rules and regulations, for their government, as they may deem proper and necessary, which are not inconsistent with the constitution and laws of this Commonwealth, and the charter, rules and regulations of the Kentucky Military Institute. They may also appoint such other subordinate officers as they may deem proper for the government of said Society; and they may remove them at pleasure; but the President, Vice President, Secretary and Treasurer, shall hold their offices for one year, and until their successors are chosen; and in case no election shall be held on the third Monday in March, eighteen hundred and forty eight, then the officers of said Society, now in office, shall continue until the third Monday in March, eighteen hundred and forty nine, and unless a vacancy should occur, and, in that event, an election may be had at any time. That all the books, furniture and apparatus, now belonging to said Society, shall be vested in, and held by, said Society, as fully and completely, as if the same had been acquired after the passage of this act.

Approved March 1, 1848.

CHAPTER 584.

AN ACT to incorporate the Kinniconick Railroad and Mill Company.

Corporators
names.

Name & style.
Objects and
powers of cor-
poration.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That Charles Hartshorn, Augustus J. Brown, George Milne, E. Smith Brooks, N. C. McLean, D. F. Worcester, George H. Bates, S. R. Bates, Crafts J. Wright and Henry H. Goodman, (or so many of them as shall become stockholders as hereinafter prescribed,) their associates and successors, are hereby made a body corporate, under the name of "The Kinniconick Railroad and Mill Company," for the purpose of building a mill or mills, on or near the Kinniconick creek, in Lewis county, and

constructing a Railroad from said creek to the Ohio river, at or near Vanceburg, with power to extend the same to the Beaver Dam on said creek; also, with the power to erect a mill or mills at any point between said creek and river, and to build any boats or water craft.

SEC. 2. The capital stock of said Company shall be divided into five hundred shares, and deemed personal property, and capable of being transferred, as may be provided for in the by-laws of said Company.

SEC. 3. The officers of said Company shall consist of a President, a Secretary, a Treasurer, and a Board of three Directors, with such other officers as may be designated in the by-laws of said Company, to be elected annually, holding their offices until others are chosen in their places, at such times, and in such manner, and performing such duties as may be designated by said by-laws.

SEC. 4. Said Company may, in their corporate capacity, hold real and personal property to the value of one hundred thousand dollars; may make and receive conveyances, make contracts, prosecute and defend suits, and do all other acts deemed necessary to the proper management of the business of said Company: the manner of which to be regulated in the by-laws of the Company.

SEC. 5. Assessments shall be made equally on each share of said stock; and the Company, in their by-laws, regulate the manner of making the assessments, and the manner of selling the stock of delinquent members; and may make such other by-laws for the regulation and management of their affairs as are not inconsistent with the constitution and laws of this Commonwealth.

SEC. 6. Charles Hartshorn and Augustus J. Brown, (two of the persons above named,) are hereby appointed a committee to call upon the persons hereinbefore named, for subscriptions to the capital stock aforesaid; and if the whole of the stock shall not be taken by the persons named in the first section of this act, then said committee are hereby authorized to procure subscriptions from others for the residue of the stock: and said committee shall have written, on the paper, or papers, upon which they shall procure subscriptions of stock, the time and place for a meeting of the stockholders, to organize and elect officers under this charter. Every stockholder shall have one vote for each share of stock held by him. And if, at the appointed time of meeting of the stockholders, as aforesaid, there shall be less than two-thirds of the stock subscribed, or, that less than two-thirds of the stock subscribed shall be represented by persons holding the same, either in person or by proxy, then the meeting shall be adjourned, from time to time, until two-thirds of the stock be taken, and a majority shall be represented as aforesaid, before any organization shall be had under this charter.

1848.

Capital stock.

Officers.

May hold real estate, &c

Make and receive conveyances.

Assessments on shares, how regulated.

May make by-laws.

Com'rs to receive subscriptions.

Election of officers how held and determined.

Meeting of the stockholders may be adjourned.

1848.

General law
adopted.

SEC. 7. *Be it further enacted*, That the provisions of the act, entitled, "an act to establish a general law concerning Manufacturing Corporations," approved February 15, 1841, shall be observed by said Company, and govern the same, so far as applicable to the nature of this corporation.

Approved March 1, 1848.

CHAPTER 585.

AN ACT to incorporate the New Market and Bardstown Turnpike Road Company.

Name & style,
& object of cor-
poration.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That a Company shall be formed, under the name and style of the New Market and Bardstown Turnpike Road Company, for the purpose of forming an artificial road from New Market in Marion county, by Loretto, to intersect the Bardstown and Springfield road at Bott's.

Capital stock.

SEC. 2. That the capital stock of said Company shall be seventy thousand dollars, to be divided into shares of fifty dollars each.

Books to be
opened, when,
where, and by
whom.

SEC. 3. That books, for the subscription of stock in said Company, shall be opened on the first Monday in April, 1848, or so soon thereafter as the Commissioners may direct; at New Market, Charles Bearin's store, Liver's Springs, and Tutt's under the direction of William H. Hawkins, Augustin L. Hayden, Thomas Carter and Daniel Everhart, at New Market; and Charles Bearin, Joseph Boorman, Samuel T. Ray and John Hogan, at Bearin's store; John Lancaster, William D. Lancaster, Cary A. Vancleave and James M. Sims, at Liver's springs, in Marion county; and William Tutt, Simeon Lewis and Felix Nall, at Tutt's, in Nelson county, or some one or more of them, who are appointed Commissioners. The said Commissioners shall procure a book or books, and the subscribers to the stock of said Company shall enter into the following obligation in said book or books, to-wit: "We, whose names are hereunto subscribed, do promise to pay to the President, Directors and Company of the New Market and Bardstown Turnpike Road Company, the sum of fifty dollars for each and every share of stock in said Company set opposite our names, in such manner and proportion, and at such times as shall be required by the President and Directors of said Company, and agreeably to an act of the General Assembly of Kentucky, incorporating said Company: witness our hands this — day of —, 1848. The said Commissioners shall give notice, by advertisement, at New Market, Lebanon, Raywick and Bardstown, of the time and place of opening the books for the subscription of stock in

Obligation of
subscribers.Notice to be
given.

said Company; and the same will continue open until the amount of the capital be subscribed.

SEC. 4. That all the sections of an act, entitled, an act to incorporate a Turnpike Road Company from New Market and Lebanon to Springfield, that are necessary to grant the proper powers, be incorporated, adopted and made part of this act.

Approved March 1, 1848.

1848.

Charter New Market, Lebanon and Springfield company adopted.

CHAPTER 586.

AN ACT to incorporate the Mount Sterling, Winchester, Owingsville and Jeffersonville Turnpike Road Companies.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That a Company is hereby formed, and created a body politic and corporate, by the name and style of the Winchester and Mount Sterling Turnpike Road Company, to consist of a President and five Directors, with the stockholders, for the purpose of making a Turnpike Road from Winchester to Mount Sterling, on the McAdams plan.

Name & style, and objects of corporation.

SEC. 2. The capital stock of said Company shall be forty thousand dollars, and may be increased to fifty thousand, at the option of the Directors, to be divided into shares of fifty dollars each; and books, for the subscription of stock, shall be opened on the first Monday in April, 1848, or as soon thereafter as the Commissioners may direct, at Lexington, Winchester, Mount Sterling, Owingsville, Sharpsburg, Paris, Flemingsburg and Maysville, and to continue open until the stock shall be subscribed, under the direction of Thos. S. Redd, G. P. Jouett, J. G. Chiles, at Lexington; John B. Houston, J. H. G. Bush and Isaac C. Skinner, Winchester; Thomas C. Barnes, R. Apperson, L. Y. Millsbaugh, James C. Hamilton, James G. Hazlerigg, Samuel D. Everitt, H. C. Ellis, R. R. Lindsay, Joshua Owings and W. Chiles, at Mount Sterling; A. Trumbo, W. M. Ragland, J. A. J. Lee, at Owingsville; M. Q. Ashby, N. S. Jones and George Hamilton, at Sharpsburg; Wm. M. O. Smith, R. H. Hanson, E. Thurston, at Paris; John A. Cavan, Thomas Porter and L. W. Andrews, at Flemingsburg; and John Armstrong, R. Collins and R. D. Dobyns, at Maysville, or any three or more of said Commissioners, at each of the foregoing places, shall be empowered to act. The Commissioners shall procure books, and the subscribers shall enter into the following obligation, viz: "We, whose names are hereto subscribed, do respectively promise to pay to the President and Directors of the Winchester and Mount Sterling Turnpike Road Company, the sum of fifty dollars for each share of stock set opposite to our respective names, in such proportions, and at such times as the said President and Directors may require."

Capital stock.

Books to be opened, when, where, and by whom.

Obligation to be signed by subscribers.

1848.

Montgomery
and Clarke City
Courts, and the
Trustees of Win-
chester and Mt.
Sterling may
take stock.

SEC. 3. It shall be lawful for the Clarke and Montgomery County Courts each, a majority of the Justices concurring therein, by such agents as they may appoint, to subscribe stock in said road, for and on behalf of their respective counties of Clarke and Montgomery. The Trustees of the towns of Winchester and Mount Sterling each, by their President, a majority concurring therein, or any other corporation in this Commonwealth, may subscribe stock in said road.

President and
Directors to be
elected.

SEC. 4. So soon as ——— are subscribed to the capital stock of said Company, it shall be the duty of said Commissioners to give notice, in the newspapers before named, and in such other manner as they may think proper, for a meeting of the stockholders, at such time and place as they may designate, for the purpose of electing a President and five Directors; and one vote shall be allowed for each share of stock; and the said officers shall continue in office for one year, and until their successors are, in like manner, duly elected. A majority of the Board shall be competent to transact business.

Charter of Car-
lisle & Sharps-
burg company
adopted so far
as applicable.

SEC. 5. So soon as said Company is organized, by the election of officers, the President and Directors shall possess all the powers, rights and privileges, and shall and may do all acts and things necessary for laying out and causing a survey of the most practicable route for said road, and for carrying on and completing the same; and may have and enjoy, all the rights and privileges, and be subject to all the duties, qualifications and restrictions, as are given and granted to the Carlisle and Sharpsburg Turnpike Road Company, by an act approved 26th February, 1847, except as herein otherwise provided for; and the said act, with the exception aforesaid, is hereby enacted as part of this act.

Width, grade,
erection of toll
gates, and rate
of toll.

SEC. 6. Said President and Directors shall fix and regulate the elevation and grade of said road; the width of the part thereof to be covered by stone; shall designate the place for the erection of gates; may fix the rates of tolls, and regulate and change the same: *Provided*, the width of said road shall not exceed fifty feet, and the part covered with stone shall not be less than twelve feet, and the rate of tolls shall not exceed an annual dividend of ——— per cent. on the capital stock required to complete the said road.

May be altered
or amended.

SEC. 7. The Legislature reserves the right to alter or amend this charter, at any time after ——— years from its passage.

Mt. Sterling
& Owingsville
Company form-
ed.

SEC. 8. *And be it further enacted*, That James G. Hazelrigg, R. Apperson, James C. Hamilton, Joshua Owings, Wm. Bean, R. G. Owings, George Hamilton, A. Trumbo, W. M. Ragland, B. Hurst, J. A. Thomas, and their associates, be and are hereby incorporated a Company, by the name of the Mount Sterling and Owingsville Turnpike Road Company, for the purpose of constructing a road from

Mount Sterling to Owingsville, upon the same plan, and under the same regulations, powers and privileges, as the said Winchester and Mount Sterling Road Company; and it shall be constructed in the same way as the said road from Winchester to Mount Sterling; and this Company shall have the same rights and privileges as are above granted to said first mentioned Company. And the above named individuals, named in this section, are authorized to open books at such times and places as they may designate, for subscriptions to the capital stock of this Company. And the benefits of this act, so far as they extend to the Winchester and Mount Sterling Company, as to capital and every thing else, so far as they can apply, shall extend to the Mount Sterling and Owingsville Turnpike Road Company, in every particular; and the same powers are given to the County Courts of Bath and Montgomery, as above named.

SEC. 9. And be it further enacted, That H. C. Ellis, Moses Grooms, John Hanley, Peter Everett, Samuel Greenwade, William Tipton, Josiah Anderson, Wm. T. Chenault, Robert Wade, Asa T. Pettitt, Robert Y. Welch, James Turley, and their associates, be and are hereby incorporated a Company, by the name of the Mount Sterling and Jeffersonville Turnpike Road Company, for the purpose of constructing a road from Mount Sterling to Jeffersonville, upon the same plan, and under the same regulations, powers and privileges as the said Winchester and Mount Sterling Road Company; and it shall be constructed in the same way as the said road from Winchester and Mount Sterling; and this Company shall have the same rights and privileges as are above granted to the said first mentioned Company; and the above named individuals, in this section, are authorized to open books, at such times and places as they may determine, for subscriptions to the capital stock of this Company; and the benefits of this act, so far as they extend to the Winchester and Mount Sterling Road Company, as to the capital and every thing else, so far as they can apply, shall extend to the Mount Sterling and Jeffersonville Turnpike Road Company, in every particular.

Approved March 1, 1848.

1848.

To be governed by charter of Winchester and Mount Sterling road.

Mt. Sterling & Jeffersonville co. formed.

To be governed by charter of Winchester and Mt. Sterling co.

CHAPTER 587.

AN ACT to divorce sundry persons, and for other purposes.

SEC. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That, upon William Blair, of Breckinridge county, appearing before the Clerk of the Breckinridge County Court, and executing and acknowledging, in due form, a deed of trust to Thomas Blair, by which he shall convey to said Thomas, property, the cash value of which shall amount to seven hundred dollars, which said

Wm. Blair divorced on certain conditions.

1848.

trust shall be conditioned to pay to Easter Blair, wife of said William Blair, during her natural life, the interest on said seven hundred dollars, and, at her death, to pay over the principal sum to the children of said Easter Blair; and, upon the execution and acknowledgment of the deed aforesaid, which shall be approved of by the Clerk of said county, then the marriage contract now existing between said William Blair and Easter Blair, so far as relates to said William Blair, shall be dissolved, set aside, and held for naught, and he restored to all the rights and privileges of an unmarried man.

Thos. Morris
and wife divorced.

SEC. 2. *Be it further enacted*, That the marriage contract now existing between Thomas Morris and Elizabeth Morris, be and the same is hereby dissolved, and they restored to all the rights and privileges of single persons.

D. Alcock and
wife.

SEC. 3. *Be it further enacted*, That the marriage contract now existing between Durin Allcock and Elizabeth Allcock, be and the same is hereby dissolved, and each of them restored to all the rights and privileges of single persons.

Sarah Hazel
divorced, and
name changed.

SEC. 4. *Be it further enacted*, That the marriage contract now existing between Sarah Hazel, and her husband, William Hazel, be and the same is hereby dissolved, as far as relates to the said Sarah, and she is hereby restored to all the rights of an unmarried woman, and to her maiden name, Sarah Johnson; and that the name of her daughter, Anna Hazel, be changed to that of Anna Johnson, by which name she shall be known and called.

Daughter's
name changed.

S. H. Crow.

SEC. 5. *Be it further enacted*, That Samuel H. Crow be, and he is hereby divorced from his wife, Marcella Crow, and restored to all the rights and privileges of an unmarried man.

Rebecca Loots.

SEC. 6. *Be it further enacted*, That Rebecca Loots be, and she is hereby divorced from her husband, Greenberry Loots, and she be restored to all the rights and privileges of an unmarried woman.

Isom Nichols.

SEC. 7. *Be it further enacted*, That Isom Nichols be, and he is hereby divorced from his wife, Delilah Nichols, and he restored to all the rights and privileges of an unmarried man.

L. Tillery.

SEC. 8. *Be it further enacted*, That Lotte Tillery be, and he is hereby divorced from his wife, Charlotte A. Tillery, and be restored to all the rights and privileges of an unmarried man.

Nancy Dyer.

SEC. 9. *Be it further enacted*, That Nancy Dyer be, and she is hereby divorced from her husband, William B. Dyer, and she restored to all the rights and privileges of an unmarried woman.

J. C. Ursey.

SEC. 10. *Be it further enacted*, That James C. Ursey be, and he is hereby divorced from his wife, Louisa Jane Ursey, and he restored to all the rights and privileges of an unmarried man.

SEC. 11. *Be it further enacted*, That Mary A. Gledhill be, and she is hereby divorced from her husband, James Gledhill, and she is hereby restored to all the rights and privileges of an unmarried woman, and to her maiden name, Mary A. Matthews.

1848.

M. A. Gledhill.
Name changed.

SEC. 12. *Be it further enacted*, That Isaac Cotton be, and he is hereby divorced from his wife, Lucinda Cotton, and he restored to all the rights and privileges of an unmarried man.

Isaac Cotton.

SEC. 13. *Be it further enacted*, That John Asbury be, and he is hereby divorced from his wife, Franky Asbury, and he restored to all the rights and privileges of an unmarried man.

John Asberry.

SEC. 14. *Be it further enacted*, That Sally C. Semple be, and she is hereby divorced from her husband, Robert Semple, and she restored to all the rights and privileges of an unmarried woman.

S. C. Semple.

SEC. 15. *Be it further enacted*, That Stephen Bishop be, and he is hereby divorced from his wife, Elizabeth Bishop, and he restored to all the rights and privileges of an unmarried man.

S. Bishop.

SEC. 16. *Be it further enacted*, That William J. Allen be, and he is hereby divorced from his wife, Lucinda Allen, and he restored to all the rights and privileges of an unmarried man.

W. J. Allen.

SEC. 17. *Be it further enacted*, That Susan Holmes be, and she is hereby divorced from her husband, William Holmes, and she restored to all the rights and privileges of an unmarried woman, and to her maiden name, Susan Kissinger.

Susan Holmes.

Name changed.

SEC. 18. *Be it further enacted*, That John Pruett, who is now in the service of the United States, in the war with Mexico, be, and he is hereby released from all legal liabilities and penalties growing out of his marriage with his late wife, who has been divorced from him.

J. Pruett.

SEC. 19. *Be it further enacted*, That Wilkerson Anderson be, and he is hereby released from all liabilities and penalties growing out of his marriage with his late wife, who has been divorced from him.

W. Anderson.

SEC. 20. *Be it further enacted*, That John Leathers, of Rockcastle county, be, and he is hereby released from all liabilities and penalties growing out of his marriage with his former wife, who has been divorced from him.

J. Leathers.

SEC. 21. *Be it further enacted*, That William Fish, Jr., of Rockcastle county, be, and he is hereby divorced from his wife, Lucinda.

W. Fish, Jr.

SEC. 22. *Be it further enacted*, That Sarah Turner, of Bullitt county, be, and she is hereby divorced from her husband, Frederick Turner, and she restored to all the rights and privileges of an unmarried woman.

S. Turner.

SEC. 23. *Be it further enacted*, That the marriage contract heretofore existing between Jesse D. Ruark, and Caroline

J. D. Ruark &
wife.

1848.

Ruark, be, and the same is hereby dissolved, and each of them restored to all the rights and privileges of unmarried persons.

Approved March 1, 1848.

CHAPTER 589.

AN ACT to amend an act, entitled, "an act for the benefit of the Lexington, Harrodsburg and Perryville Turnpike Company, approved February 23, 1847."

WHEREAS, it is represented to the General Assembly, that said Company, in making loans of money under said act, (to which this is an amendment,) have been unable to make the same at a less rate of interest than eight per cent. per annum, and suppose that they will be unable to make any future loans for the like object at a less rate of interest. Therefore,

May borrow
money.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That, so far as loans of money have been made by said Company, or upon their authority, under said act, at the rate of eight per cent. interest, per annum, the said interest is hereby made legal; and, so far as future loans may be made by them, or upon their authority, under said act, at a like interest, the same shall be legal; and said Company shall pay the same, as they are now authorized and required to pay the principal, under said act, to which this is an amendment.

Approved March 1, 1848.

CHAPTER 590.

AN ACT to incorporate the Sanhedrim of Kentucky of the Hunters of Nimrod.

Corporators
names, and cor-
porate powers.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That William G. Beckett, Nicholas Sandifer, O. P. Hill, Allen A. Burton, Alexander R. McKee and John Wilson, and their associates, be; and they are hereby created a body politic and corporate, by the name and style of "The Sanhedrim of Kentucky of the Hunters of Nimrod;" and they, with their associates and successors, shall so continue, and have perpetual succession; and, by that name, are hereby made capable, in law, as natural persons, to sue and be sued, to plead and be impleaded, to contract and be contracted with, to answer and be answered, in all courts of law and equity in this Commonwealth and elsewhere; to make, have and use, a common seal, and the same to break, alter, or amend at pleasure; they may make and ordain such regulations and by-laws, for their government, as, from time to time, they may deem

proper, and may change and renew the same at pleasure: *Provided*, that they be not in contravention of the constitution and laws of the United States or of this Commonwealth.

1848.

Sec. 2. Said corporation shall have the right to purchase and hold lands, in the State of Kentucky, upon which to erect such buildings as may be wanted for the use of said Sanhedrim, and such lodges operating under its jurisdiction as are now in existence, or may be hereafter created.

May hold lands, &c.

Sec. 3. Said corporation shall not have power to sell any lands which may be purchased under the provisions of the second section of this act, but shall hold the same for their own use, and shall, at no time, hold property above the value of twenty thousand dollars.

Not to sell lands, &c.

Sec. 4. Said Sanhedrim shall have and exercise, under this charter, all powers and privileges necessarily implied by the terms and objects of its creation; but, in no case, shall it be lawful for said corporation to exercise banking powers; and the Legislature reserve the right, at any time, to amend, modify, or repeal this act, but its repeal shall not deprive said Sanhedrim of the property and effects held under this charter.

General powers.

Restrictions.

Approved March 1, 1848.

CHAPTER 591.

AN ACT to incorporate the Helena Turnpike Road Company; the Maysville and Lewis County Turnpike Company, and Sardis Turnpike Company.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That a company may be formed, under the name and title of "The Helena Turnpike Road Company," for the purpose of constructing an artificial road from the Maysville and Fleming Turnpike Road, through the town of Helena, to the Upper Blue Lick Road, at or near where the present road from Helena intersects the same.

Helena road.
Name & style.
Objects of corporation.

Sec. 2. That the capital stock of said Company shall be thirty five hundred dollars, to be divided into shares of fifty dollars each.

Capital stock.

Sec. 3. That books, for the subscription of stock in said company, may be opened on the second Monday of March next, at the town of Helena, and continue open until the amount of stock shall be subscribed, under the direction of T M. Forman, Richard Wells, Lucien S. Luttrell, David Fitzgerald, Francis W. Wheatly and John Willett, or some two of them, who are hereby appointed Commissioners. Said Commissioners shall give notice, in one of the newspapers printed in the town of Maysville, and at some public place in the town of Helena, of the place where said books will be opened, and kept, for the subscription of stock, as aforesaid.

Books to be opened, when, where, and by whom.

1848.

President, &c.
to be elected;
when, where &
by whom.

To take oath.

Term of office.

Treasurer to
be appointed, &
to give bond.

To be a body
politic and cor-
porate.

Corporate
powers.

Calls on stock.

Location of
road.

SEC. 4. That, so soon as the amount of capital shall be subscribed, or twenty-five hundred dollars thereof, the Commissioners aforesaid or a majority of them, may call a meeting of the stockholders at said town of Helena, and hold an election for a President and six Directors of said Company; notice of which meeting shall be given, at least two weeks, in one of the newspapers aforesaid: and, at such election, each stockholder shall be entitled to a vote for each share he or she may own. And said President and Directors shall, each, before entering upon the duties of their appointment, take an oath or affirmation, faithfully to discharge the same, before some Justice of the Peace of the county of Mason; and they shall hold their offices for one year, and until others shall be duly elected and qualified. After said Board of Directors shall have been qualified, they shall, (or a majority of them,) appoint a Treasurer, who shall hold his office during the pleasure of the Board, and said Board shall take, from the person so appointed Treasurer, a bond, with security, in the penal sum of two thousand dollars, payable to said President and Directors, conditioned that he will faithfully discharge the duties of Treasurer of said Company; that he will receive the moneys subscribed, and paid in, as capital stock, or donated to said Company, and safely keep and pay out the same, on the order of the President and Directors; and that he will perform such other duties as may be required of him by the by-laws of said Company.

SEC. 5. That said President and Directors, thus elected and qualified, shall be a body politic and corporate, in fact and in law, under the name and style of "The Helena Turnpike Road Company;" and by that name shall have perpetual succession, and all the privileges and franchises incident to a corporation; shall be capable of holding their capital stock and the increase and profits thereof, and of taking and holding by purchase or gift, all such lands, tenements and hereditaments, real or personal property, as may be necessary for the prosecution of their work or the objects of this corporation; they shall have power to contract and be contracted with, to sue and be sued, plead and be impleaded, answer and be answered, in any Court of law or equity, or elsewhere; also, to have and use a common seal, and generally to do all or any act, matter or thing, which a corporation may lawfully do, to effect the objects for which this corporation is created.

SEC. 6. That said President and Directors shall proceed after their organization as aforesaid, to call upon the stockholders for payment of their stock, in instalments not exceeding fifteen per cent. per month on the same; and shall, with the aid of such Engineers, Surveyors and Agents, as they may deem necessary, proceed to lay out and locate the road herein authorized to be made; and shall cause to

be made a plat of the same, which plat shall be deposited with the Treasurer of the Company, and recorded on the books thereof.

1848.

Sec. 7. That that Company shall open said road not less than thirty feet wide, nor more than forty feet; and shall grade the same at such an elevation, not to exceed four degrees in any part thereof, as they deem proper, and shall cover the same with broken stone upon the McAdam's plan, at least twelve feet wide, and not less than eight inches deep; and when two and a half miles of said road shall be completed, the said Company may erect a gate on the same, and appoint a gate-keeper to serve during their pleasure, and shall have the right to demand, collect and receive at said gate, tolls, on the travel and transportation of said road, at rates not exceeding the rates of toll now authorized by law to be charged on the road leading from Maysville to Flemingsburg, viz: for said two and a half miles, one half the rates allowed for a gate on said Fleming road, (which is for 5 miles of road.)

Grade and width of road, and manner of construction.

Gate keepers to be appointed.

Rates of toll.

Sec. 8. That said President and Directors shall have power to make any contract with any person or persons, for a stipulated price by the year or less time, allowing him or them the right to use said road; and to fix the rate at which the stockholders shall travel and use said road; and to fix an amount of stock to be holden to entitle the holder thereof to use said road free of toll: *Provided*, that equality shall be observed amongst all stockholders in such regulations; and each stockholder shall be entitled to privileges according to the amount of stock held and paid in.

May make contracts for use of road by the year.

Sec. 9. That no person shall be eligible as President or Director of said Company who is not a shareholder in the same. The Board shall have power to fill all vacancies in their body; and the annual election for President and Directors shall be held on the first Monday in June.

Qualification of President.

Vacancies—how filled.

Sec. 10. That the County Court of Mason, a majority of all the Justices of said county being present and concurring, may subscribe stock in said road, and the other roads in this bill authorized to be made.

City Court of Mason may take stock.

Sec. 11. That the general provisions of the act incorporating the Mount Sterling and Maysville Turnpike Road Company, approved January 29, 1836, shall apply to this Company, and are re-enacted as part hereof.

Charter Maysville and Mount Sterling road adopted.

Sec. 12. *Be it further enacted*, That a Company be, and the same is hereby incorporated, to construct a Turnpike Road from the city of Maysville to the White Sulphur Springs, (called now Esculapia,) in Lewis county, under the name and style of the Maysville and Lewis county Turnpike Road Company; and as such, shall have perpetual succession, and all the general powers granted in this act to the "Helena Turnpike Road Company," and the special powers granted in the eighth section of this act to said Company.

Maysville and Lewis co. road, objects & powers.

1848.

Capital stock.

SEC. 13. The capital stock of said Company shall be fifty thousand dollars, and divided into shares of fifty dollars each; and each shall entitle the holder thereof to one vote at all elections for President and Directors of said road, and at all meetings of the stockholders.

Com'rs to open books.

SEC. 14. That James Robinson, Lewis Tolle, Edward L. Bullock, Evert Stilwell and Thomas Glasscock, be and they are hereby appointed Commissioners, with authority to open books for the subscription of stock, at such times and places as they, or a majority of them, may direct or appoint; and so soon as ten thousand dollars of said stock is taken by individuals or corporations, they shall call a meeting of the stockholders for the purpose of holding an election for a President and four Directors for said Company. Notice of which election shall be published in a newspaper printed in Maysville at least ten days previous to the time of holding the same. And said President and Directors, so elected, or a majority of them, and their successors, shall have the management of the affairs of said Company; and shall, before entering upon the duties of their office, take an oath before some competent authority to administer the same, faithfully to discharge the duties of President and Directors as aforesaid. They shall hold their offices one year, and until their successors are elected and qualified, and shall fill all vacancies in their own body until the annual election. And the annual election shall be holden on the first Monday in June, at such places as may be fixed by the Directors for the time being. At all elections the shareholders may vote in person or by proxy. No person shall be eligible to be elected who is not a stockholder.

President, &c., to be elected.

To take oath.

Term of office.

Annual elections, mode of conducting same

Treasurer, &c. to be appointed.

SEC. 15. The Company aforesaid, shall have power to appoint a Treasurer, gate keepers, and all other officers and agents deemed necessary to effect the purposes of this charter; and to take such bond and security as may, in their opinion, be necessary to secure the faithful performance of their duties; and may remove them at pleasure.

Powers for locating and constructing.

SEC. 16. That said Company shall have power, in the location of said road, to enter upon any of the public roads of the counties of Lewis and Mason, and the lands of individuals, for the purpose of making said road, and getting stone or other materials therefor, in the same manner and under the same restrictions that the Mount Sterling and Maysville Turnpike Road Company are, by the act incorporating said Company, authorized to do; the general provisions of which charter, entitled "an act to incorporate the Mount Sterling and Maysville Turnpike Road Company," approved January 29, 1836, shall apply to this Company, and are re-enacted as part hereof, so far as applicable to, and not inconsistent with, the provisions of this act.

Charter Maysville and Mount Sterling Turnpike Company adopted.

Width and grade of road.

SEC. 17. That the said road shall be opened not less than thirty feet nor more than forty feet wide, and graded and

paved with metal, viz: broken stone, or gravel, not less than twelve feet wide, nor over sixteen feet wide, and so graded that at no place on said road there shall be greater elevation than four and one half degrees.

1848.

SEC. 18. That when five miles of said road shall be completed, a gate may be erected, and tolls collected at the same rates, as are, or may by law, be charged on the Mount Sterling and Maysville road aforesaid.

Gates to be erected.

SEC. 19. *Be it further enacted*, That a Company shall be, and the same is hereby incorporated, to construct a turnpike road on the McAdam's plan, from the town of Sardis, in the county of Mason, to intersect the turnpike road from Maysville to Lexington, at some convenient point, between the bridge on said road over the North Fork of Licking, and the present residence of Harrison Richardson, near said road, by the name and style of the Sardis Turnpike Road Company; and by that name and style, may sue and be sued, contract and be contracted with, plead and be impleaded, and have and use a common seal, and alter, amend or renew the same at pleasure.

Sardis road.
Object of corporation.

SEC. 20. That the capital stock of said Company shall be thirty thousand dollars, divided into shares of one hundred dollars each, and each share shall entitle the holder to one vote in all meetings of the stockholders.

Corporate powers.

Capital stock.

SEC. 21. That Harrison Richardson, Cornelius Drake, Thos. Small, James Henderson, Calvin Bland, Alfred Chausler and Isaac S. Reed, are hereby appointed Commissioners, whose duty it shall be to open books for the subscription of stock, at such times and places as they, or any three of them, may deem expedient; and so soon as ten thousand dollars of stock is subscribed by individuals, companies or corporations, they shall give ten days' notice of the time and place of the meeting of the stockholders, for the purpose of electing a President and four Directors for said Company; and a majority of whom, and of their successors in office, shall be competent to do and perform all acts and things authorized by this act, to be done by the President and Directors of said Company; and the management of the fiscal and prudential concerns of said Company, shall be confined to said President and Directors, and their successors in office, to be chosen annually, at such times and places as the said President and Directors, from time to time, may appoint, and who shall continue in office until their successors shall be appointed.

Com'rs to open books.

President, &c., to be elected, their powers & duties.

SEC. 22. That no person shall be eligible, as President or Director of said Company, who shall not be the owner, in his own right, of at least three shares of stock; and any President or Director ceasing to be the owner of stock to that amount, shall cease to be a President or Director of said Company; and said Board may, from time to time, fill all vacancies occurring in their body.

Qualification of President &c.

1848.

Treasurer, &c.
to be appointed.

SEC. 23. The said President and Directors shall have the power of appointing a Treasurer, Gate Keepers, and all other officers or agents deemed necessary to effect the purposes of this act; and to remove the same at pleasure; they shall have the power to require of the Treasurer, and all other officers or agents appointed by them, bond and security, in such penalties as they may require, conditioned for the faithful performance of the duties incumbent on them as such, and containing any other conditions or stipulations which they may require.

Obligation.

SEC. 24. The Commissioners hereby appointed shall procure a book or books, and the subscribers to the stock of said Company, shall enter into the following obligation, in said book or books, to-wit: "We, whose names are hereunto subscribed, do promise to pay to the President and Directors of the Sardis Turnpike Road Company, the sum of one hundred dollars, for each and every share of stock in said Company set opposite to our names, in such manner and proportion; and at such times as shall be required by the President and Directors of said Company, and agreeably to the act of the General Assembly incorporating said Company. Witness our hands this — day of —."

Gates to be
erected.

SEC. 25. That said road shall be opened not less than fifty feet wide, and shall be graded at an elevation not to exceed four degrees in any part thereof; and said President and Directors shall have the right, whenever a continuous portion of five miles of said road is completed, to erect a toll gate on the same; and when the whole road is completed, they shall have a right to erect and keep on the same, as many as two toll gates, not nearer together, however, than five miles; and when so erected, the said Company shall have the right to demand, collect and receive, at each of said gates, on the travel and transportation on said road, a rate of toll not exceeding that now authorized to be charged on the turnpike road leading from Maysville to Lexington.

Rates of toll.

Certain sections of charter
Maysville & Mt.
Sterling Company adopted.

SEC. 26. *Be it further enacted*, That the 5th, 6th, 8th, 9th, 10th, 12th 13th 14th, 15th, 16th, 19th, 22d, 25th, 27th and 30th sections of the act, entitled, an act to incorporate the Mount Sterling and Maysville Turnpike Road Company, approved January 29, 1836, shall apply to the Company hereby created, and are made part hereof, as though the same were herewith incorporated, except so much of said sections as may be inconsistent with the provisions of this act, subject to the same limitations and restrictions, and with the same benefit and advantage in all respects: *Provided, however*, that nothing herein contained, shall be so construed, as to direct or authorize the subscription of stock or appropriation of money on the part of the State of Kentucky.

Approved March 1, 1848.

RESOLUTIONS.

No. 1.

A RESOLUTION to fire a national salute on the 8th of January.

Resolved by the General Assembly of the Commonwealth of Kentucky, That His Excellency, the Governor of this Commonwealth, cause to be fired a national salute, at sunrise, at some convenient place in the town of Frankfort, on the morning of the 8th instant, in commemoration of the victory achieved by our officers and soldiers on the 8th of January, 1815. And that he be requested to fire a salute of one hundred guns on the 22d and 23d of February, next, in honor of the birth day of Washington, and of the great victory obtained on these days at Buena Vista, by Major General Zachary Taylor, mainly with volunteer militia troops, over General Santa Anna, President of Mexico, commanding four times the number of troops opposed to him.

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Approved January 12, 1848.

No. 2.

RESOLUTIONS concerning newspaper postage.

1. *Resolved by the General Assembly of the Commonwealth of Kentucky,* That our Senators be instructed, and our Representatives in Congress requested, to use their best exertions to procure the repeal of so much of the 13th section of an act of Congress, entitled, "an act to establish certain post routes, and for other purposes," approved March 3d, 1847, as requires three cents each to be paid as the postage on newspapers at the place they are deposited for conveyance.

2. *Resolved,* That His Excellency, the Governor of Kentucky, be requested to transmit to each of our Senators and Representatives in Congress, a copy of the foregoing resolution.

Approved January 12, 1848.

No. 3.

PREAMBLE AND RESOLUTION inviting General Taylor to visit the Capital of Kentucky.

WHEREAS, Major General Zachary Taylor, having obtained leave of absence from the Army, and returned to the

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United States, the Representatives of the people of Kentucky, in General Assembly convened, being desirous of testifying their high appreciation of the signal services he has rendered his country in the battles of Palo Alto, Resaca de la Palma and Monterey, and in his last and unparalleled achievement at Buena Vista, their admiration of his virtues, his modesty, his justice, his kindness and benevolence to the soldiers under his command, and that, if possible, more elevated and manly spirit of moderation and magnanimity, which he has uniformly displayed towards the defeated and prostrate foes of his country, hereby tender to him the heart-felt thanks of the people of Kentucky. Therefore,

1. *Resolved by the General Assembly of the Commonwealth of Kentucky*, That General Taylor be invited to visit the Capital of our State, during the present session of the Legislature, that the Representatives and the people may have an opportunity of testifying to him, personally, their esteem and regard.

2. *Resolved*, That a copy of this preamble and resolution be forwarded to Gen. Taylor, by his Excellency, the Governor, with a request that he indicate, at as early a day as convenient, when he will visit Frankfort.

Approved January 12, 1848.

No. 4.

RESOLUTION in relation to the erection of a Monument to the memory of the Heroes of Buena Vista.

Resolved by the General Assembly of the Commonwealth of Kentucky, That so much of the Governor's message as relates to the erection of a Monument to the memory of the gallant heroes, who fell on the field of Buena Vista, and whose remains are interred in the State's portion of the Cemetery at the Seat of Government, be referred to a Joint Committee of both Houses, to consist of eight members of the House of Representatives and four members of the Senate, who may report by bill or otherwise.

Approved January 12, 1848.

No. 5.

RESOLUTION to appoint a committee to visit the Lunatic Asylum.

Resolved by the General Assembly of the Commonwealth of Kentucky, That a committee of eight, composed of five members of the House of Representatives and three members of the Senate, be appointed to visit the Lunatic Asylum, at Lexington, and report its condition, &c., and the

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said committee is hereby empowered to send for persons, papers and records, for their information.

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Approved January 12, 1848.

No. 6.

A RESOLUTION concerning the committee on Banks.

Resolved by the General Assembly of the Commonwealth of Kentucky, That the joint committee on Banks be directed to visit, in person, the several Banks in Louisville and Lexington, if, in the discharge of their duties, they shall deem it necessary.

Approved January 19, 1848.

No. 7.

RESOLUTION in relation to the establishment of another Lunatic Asylum.

Resolved by the General Assembly of the Commonwealth of Kentucky, That the Superintendent of the Lunatic Asylum, of this State, be and he is hereby respectfully requested, to give to the present General Assembly his views and opinions, in writing, at as early a day as practicable, upon the propriety and expediency of establishing another Lunatic Asylum.

Approved January 22, 1848.

No. 8.

A RESOLUTION concerning the Lexington and Ohio Railroad.

1. *Resolved by the General Assembly of the Commonwealth of Kentucky,* That the Board of Internal Improvement be required to engage the services of a competent Engineer, and ascertain the cost of repairing and putting in a condition, according to the most approved plan for running steam cars, the Lexington and Ohio Railroad. That they also ascertain if there is a more practicable route than the present of reaching the Kentucky river; if so, report the probable cost of constructing the change in the route, and procuring the right of way, and that they report, if practicable, to the present General Assembly.

2. *Resolved,* That the Board be instructed to inquire and ascertain, by bids or otherwise, what price can be had for said road, and their opinion of the probable effect which its sale would have upon the profits of the navigation of the Kentucky river, and that they report to the present General Assembly.

Approved January 29, 1848.

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No. 9.

A RESOLUTION fixing a day for the election of Public Officers.

Resolved by the General Assembly of the Commonwealth of Kentucky, That they will, on the 8th day of February, 1848, proceed, by joint vote of both houses, to the election of public officers of this State.

Approved January 29, 1848.

No. 10.

PREAMBLE AND RESOLUTIONS in relation to Gen. John Caldwell, late Lieut. Governor of Kentucky.

WHEREAS, it is represented to the present General Assembly, that Gen. John Caldwell, a meritorious officer^a of the Revolution, and an active and efficient officer in the Indian Wars of the West, who departed this life on the 19th day of November, 1804, while presiding over the Senate as Lieutenant Governor of Kentucky, is buried at the base of the hill near the Penitentiary; and that the monument erected to his memory by the Commonwealth of Kentucky, in pursuance of an act of the General Assembly, approved January 19th, 1831, has been much broken and mutilated by wanton and mischievous persons, and by the sliding down of earth and stone from the hill upon his grave: and whereas, the Commonwealth of Kentucky has at all times honored and testified her gratitude to the illustrious dead who die in her service, and preserved their graves from desecration. Therefore,

Resolved by the General Assembly of the Commonwealth of Kentucky, That his Excellency, the Governor, be and he is hereby requested to have the remains of Gen. John Caldwell removed and interred in the State's portion of the Frankfort Cemetery, together with the monument heretofore erected by the State, and to have the said monument, and the inscription thereon, suitably repaired and restored.

Resolved, That the Governor be authorized to draw upon the Agent and Keeper of the Penitentiary, for any labor or materials necessary for the purposes above mentioned, and by his warrant, such sum as may be necessary to carry the foregoing resolution into effect.

Approved February 2, 1848.

No. 11.

RESOLUTIONS complimentary to Major General Winfield Scott, and the officers and soldiers under his command.

1. *Resolved by the General Assembly of the Commonwealth of Kentucky, That Major General Winfield Scott, by a series of glorious victories, unparalleled in the history of*

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war, commencing with the Castle of St. Juan de Ulloa, and terminating with the capture of the Capital of the Mexican Republic, by which he has attracted to himself and his army the admiration of the world, has entitled himself to the thanks and gratitude of the people of Kentucky, which are hereby tendered and cordially given.

2. *Resolved*, That the people of Kentucky look with pride and exultation upon the patriotic ardor and steady valor of the officers and soldiers, volunteer and regular, who have given world-wide renown to our national prowess by the various successful, uninterrupted and glorious battles from Vera Cruz to the city of Mexico.

3. *Resolved*, That the Governor be, and he is hereby requested to convey a copy of the foregoing resolutions to Major General Scott, with the request that he communicate the same to the Army.

Approved February 18, 1848.

No. 12.

A RESOLUTION fixing a day for the election of a Keeper of the Penitentiary.

Resolved by the General Assembly of the Commonwealth of Kentucky, That they will, on next Saturday, at 12 o'clock, M., by joint vote, proceed to elect a Keeper of the Penitentiary, as provided for in the act in relation to the Penitentiary, passed during the present session.

Approved February 19, 1848.

No. 13.

PREAMBLE AND RESOLUTIONS relative to Mr. Asa Whitney's plan for a Railroad from Lake Michigan to the Pacific Ocean.

The members of the Legislature of Kentucky listened with interest to a very lucid explanation given by Mr. Asa Whitney of his proposed plan for the construction of a Railroad from Lake Michigan to the Pacific Ocean. To conceive the idea of undertaking and accomplishing such an enterprise strikes us with astonishment, but it is confessed that the explanation by Mr. Whitney, and the expose of his plan, places the subject before us in a more plausible point of view than we had supposed it could have been done. The advantages, in a commercial and national point of view, arising from the accomplishment of a scheme, which would make the United States the great highway between Europe and the populous and wealthy empires of Asia, defy calculation. If such a scheme be practicable, it challenges the attentive consideration of this nation, and deserves the aid of the strong arm of the government. If

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it be thought advisable to undertake this great work, we know of no plan less obnoxious to objection than the appropriation of public lands now unproductive and inaccessible. Therefore,

Resolved by the General Assembly of the Commonwealth of Kentucky, That our Senators and Representatives in Congress be, and they are hereby requested to give such consideration and countenance to that great project which, in their judgment, its magnitude, importance and practicability deserve.

Approved February 28, 1848.

No. 14.

RESOLUTIONS in relation to the boundary between the States of Ohio, Indiana, Illinois and Kentucky.

Resolved by the General Assembly of the Commonwealth of Kentucky, That three Commissioners be appointed to meet the Commissioners appointed by the State of Ohio, and such Commissioners as may be appointed by the States of Indiana and Illinois, at such place or places as they may mutually agree upon, to negotiate for the settlement of the boundary or jurisdiction, or both, upon that part of the Ohio river, dividing the State of Kentucky from each of those States respectively: *Provided*, that any compact made by them, shall not be binding, until the same shall have been ratified by such States respectively.

Resolved, That said Commissioners be authorized to negotiate upon all questions of transitory passage, and the incidents thereto, through this State, and the several States mentioned in the first resolution, subject to the approval of such States.

Resolved, That the Governor be requested to transmit a copy of the above resolutions, to each of the Governors of the States of Ohio, Indiana and Illinois, with a request that they be laid before their several Legislatures.

Resolved, That the said Commissioners be appointed by the Governor; that they shall receive an adequate compensation for their services; that the Governor be authorized to fill any vacancies, which may occur in the said Board of Commissioners; and that said Commissioners report to the General Assembly, at its next annual session, their proceedings.

Resolved, That said Commissioners report to the next General Assembly, all documents and evidence as to the boundary of the State on the Ohio river, which they may be able to procure; and that they may procure them at the expense of the State; and for this purpose, the Governor is authorized to draw on the Treasury, for such sums as may be necessary for that object.

Approved February 28, 1848.

No. 15.

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PREAMBLE AND RESOLUTION relative to the late Col. Thomas Dollerhide.

WHEREAS, Col. Thomas Dollerhide, late a Representative in the Senate of the Kentucky Legislature from the county of Pulaski, departed this life at the Seat of Government whilst in the service of the State, and was buried near the town of Frankfort, and the tomb erected over his grave is liable to be defaced and injured. Therefore,

Be it resolved by the General Assembly of the Commonwealth of Kentucky, That the Governor of Kentucky cause to be removed to the Public State Cemetery, the remains of the said Col. Thomas Dollerhide, and there interred with a suitable stone and inscription, designating the spot where his remains are deposited.

Approved March 1, 1848.

No. 16.

RESOLUTIONS in relation to the two Cannons presented to the State of Kentucky by Major Geo. A. Caldwell and Col. John S. Williams.

Resolved by the General Assembly of the Commonwealth of Kentucky, That the cannon tendered by Maj. Geo. A. Caldwell and Col. John S. Williams, be accepted, and that the Governor cause to be inscribed thereon, respectively, the history of their capture and the names of the donors.

Resolved further, That the Governor communicate to those distinguished officers (now in Mexico,) copies of these resolutions, and tender to them the thanks of Kentucky, for those valuable trophies of the valor of our countrymen at the memorable battle of Cerro Gordo.

Approved March 1, 1848.

No. 17.

A RESOLUTION authorizing the publication of the Address of the Rev. R. J. Breckinridge, on Education.

Resolved by the General Assembly of the Commonwealth of Kentucky, That the Public Printer, so soon as the manuscript of the Address of the Rev. R. J. Breckinridge, (Superintendent of Public Instruction,) delivered during this session in the Representative Hall, upon the subject of Common Schools, shall be delivered to him, shall print five thousand copies thereof for the use of the people of this State, and that the same be sent to the Senators and Representatives of the present Legislature, by the persons employed to distribute the Acts and Journals.

Approved March 1, 1848.

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No. 18.

RESOLUTION for printing the Second Auditor's report.

WHEREAS, there is no specific number of the report of the Second Auditor directed by law to be printed, and it being a document of great value,

Resolved by the General Assembly of the Commonwealth of Kentucky, That hereafter said officer shall have seventeen hundred copies of his report printed annually.

Approved March 1, 1848.

No. 19.

PREAMBLE AND RESOLUTIONS in relation to the Tobacco trade.

WHEREAS, the interest of a large and respectable portion of the citizens of this Commonwealth is identified with the cultivation and profitable sale and disposition of tobacco, and the city of New Orleans is the most accessible port to which the tobacco grown in this State can be sent, either for sale or transshipment, and to which, by far the greater part of that article, grown in this Commonwealth is shipped, for those purposes: and whereas, it appears that, from the operation of a law passed by the Legislature of Louisiana, establishing a State Warehouse, &c., in New Orleans, in March, 1848, much injustice is often done and serious losses incurred by our citizens. Wherefore,

Resolved by the General Assembly of the Commonwealth of Kentucky, That we most respectfully submit the opinion, that the present inspection law of Louisiana, is oppressive and injurious to such of our citizens as may be engaged in the tobacco trade, and ought to be repealed, and the warehousing and storing of tobacco should be left to individual enterprise instead of State warehouses.

2. That in our opinion, six inspectors ought to be appointed for the city, and two for Lafayette, and that such inspectors ought to furnish their own sample drawers, and receive an inspection fee of not exceeding sixty cents per hogshead.

3. That the size of the cask, or hogshead, and thickness of stave and heading, ought to be established by law; and we regard the following dimensions as the most proper to be adopted: length of stave, 54 inches; thickness of stave, $\frac{5}{8}$ of an inch; heading in thickness, $1\frac{1}{4}$ inches; diameter of cask across head, 38 inches in the clear; each cask to have six good hoops, and all the timber to be well seasoned. If the inspectors shall find any cask which does not correspond with the legal dimensions and requirements, to have the same taken off and weighed at the expense of the owner of the tobacco.

4. That in order to ascertain the quality of the tobacco, the inspectors ought to cause all the hoops above the lower

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heading hoops to be taken off, and three staves to be broken down, so that the inspectors may be enabled to break the tobacco in four places, and draw samples therefrom; and the proprietor of the warehouse shall prepare the tobacco for inspection and afterwards to cause the hogsheads to be coopered.

5. That all casks or hogsheads ought to be tared equal, except such as do not agree with the lawful dimensions, &c.

6. That the inspectors ought to weigh a sufficient number of casks so as to ascertain the weight of all, and by that means establish what the permanent rate of tare shall be, and so it shall remain.

7. That His Excellency, the Governor, be requested to transmit a copy of the foregoing report and resolutions, to His Excellency the Governor of Louisiana, to be accompanied by such other suggestions as may be best calculated to enforce the matters embraced therein, with a request that he lay the same before the Legislature of that State.

8. That inasmuch as the citizens of our sister States of Tennessee and Missouri, are also interested deeply in the tobacco trade, His Excellency, the Governor, be requested to forward a copy of the foregoing report and resolutions to the Governors of the States of Tennessee and Missouri, with a request to present the same to their respective Legislatures, and requesting their co-operation in obtaining the objects sought therein.

Approved March 1, 1848.

No. 20.

RESOLUTION for the purchase of Collins' History of Kentucky for the use of the Library.

Resolved by the General Assembly of the Commonwealth of Kentucky, That the Public Librarian be directed to purchase twenty copies of Collins' History of Kentucky, for the use of the Library.

Approved March 1, 1848.

No. 21.

RESOLUTIONS complimentary to the Encarnacion Prisoners and others.

Resolved by the General Assembly of the Commonwealth of Kentucky, That Maj. John P. Gaines, Capt. Cassius M. Clay, Lieut. George Davidson, and their thirty companions in arms, who were taken prisoners by a force of three thousand armed Mexicans, under command of Gen. Minon at Encarnacion, deserve the thanks of the people of Kentucky for their bravery, and for their cool determination to maintain the reputation of Kentucky, when escape was impossible, and destruction inevitable, save by a surrender.

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Resolved, That Capt. William J. Heady and Lieut. Tho. J. Churchill, and their eighteen brave companions, taken captive by a superior Mexican force, when resistance would have been vain, have the thanks of the people of Kentucky for their bravery, and sympathy for their sufferings while in captivity.

Resolved, That Maj. John P. Gaines has won the admiration of the people of Kentucky, by honorably withdrawing his parol as a prisoner of war, when ordered by Gen. Lombardini to go to Toluca; by his escape through the lines of the enemy; by his successful junction with the American Army, and by his gallant bearing at Churubusco, Chapultepec, and all the battles fought before the walls, and in the City of Mexico, he being the only volunteer from Kentucky who participated in the achievements of Gen. Scott and his army in those memorable victories.

Approved March 1, 1848.

No. 22.

RESOLUTIONS concerning the Mobile and Ohio Railroad.

1. *Resolved by the General Assembly of the Commonwealth of Kentucky*, That our Senators and Representatives in Congress be requested to use their influence to secure the passage of a law in conformity with the petition of the Mobile and Ohio Railroad Company, and the citizens of the States of Alabama, Mississippi, Tennessee and Kentucky, to grant to said Railroad Company "the right of way over the public lands lying on the route proposed, the privilege of cutting the timber required for the construction of the road, and also the alternate sections of public lands situated on the route, which are unsold."

2. That the Governor be requested to transmit a copy of this resolution to our Senators and Representatives in Congress.

Approved March 1, 1848.

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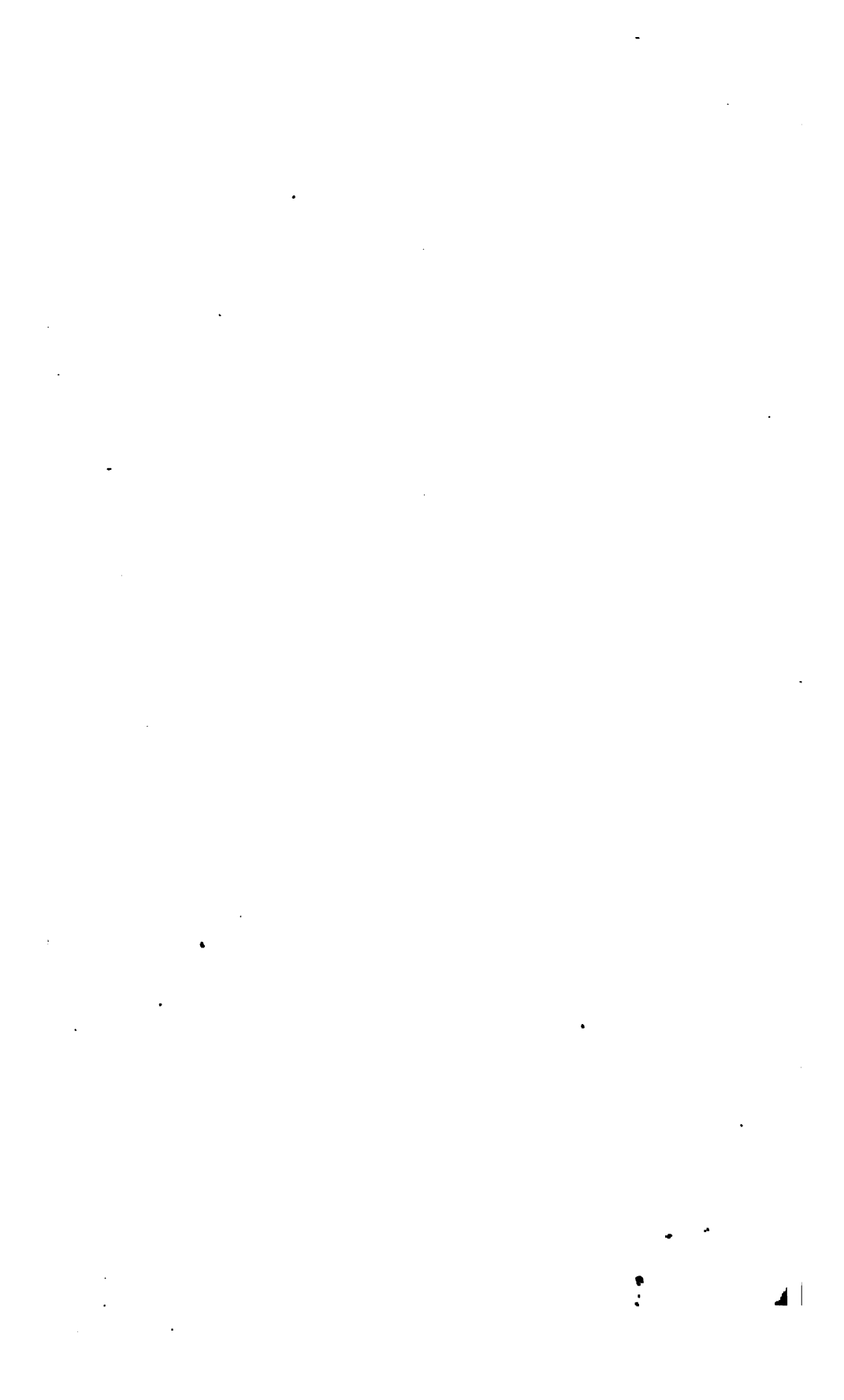
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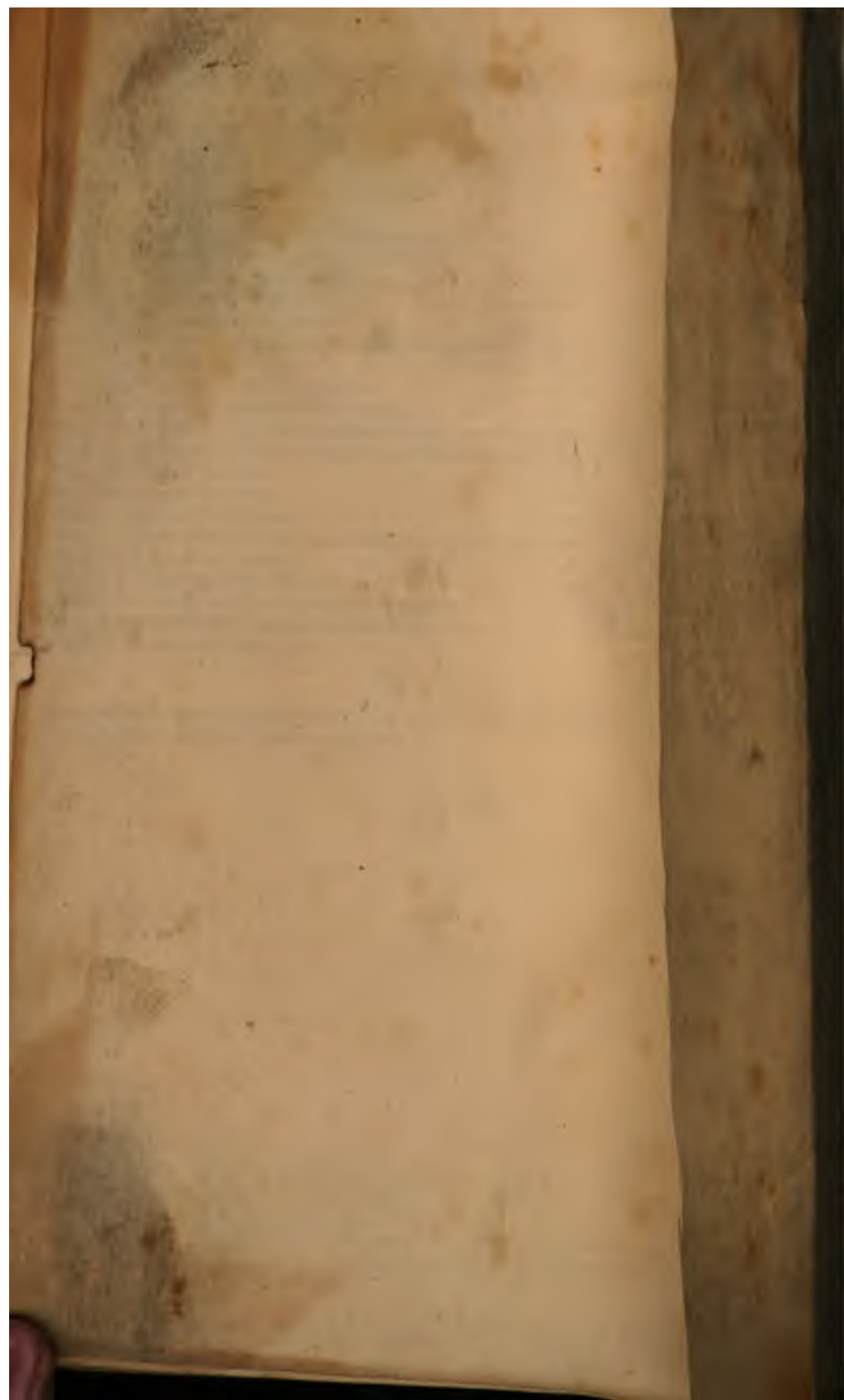
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